

1 BEFORE THE ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

2 IN THE MATTER OF:)
3 PROPOSED ISSUANCE OF A)
4 CONSTRUCTION PERMIT/PSD)
5 APPROVAL FOR INDECK-ELWOOD)

6 REPORT OF PROCEEDINGS taken at the hearing
7 of the above-entitled matter, held at Elwood Community
8 Church Hall, 101 North Chicago, Elwood, Illinois, before
9 Hearing Officer Daniel Merriman, reported by Janice H.
10 Heinemann, CSR, RDR, CRR, a notary public within and for
11 the County of DuPage and State of Illinois, on the
12 22nd day of May, 2003, commencing at the hour of 7 p.m.

13 APPEARANCES:

14 MR. DANIEL P. MERRIMAN, IEPA Acting Hearing
15 Officer;

16 MR. CHRIS ROMAINE, BOA, Manager, Utility Unit,
17 Permit Section;

18 MR. SCOTT A. LEOPOLD, BOA, Environmental
19 Protection Specialist;

20 MR. SHASHI SHAH, BOA, Permit Engineer;

21 MR. MARK GERBERDING, Office of Community
22 Relations.

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19	(Strategic Plan for Water Resource Management - NIPC - submitted by Verena Owen)	
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21	(May 22, 2003 - Lake Michigan Federation - Laurel O'Sullivan)	
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1 HEARING OFFICER MERRIMAN: Good evening, ladies and
2 gentlemen. My name is Daniel Merriman. I'm an attorney
3 with the Environmental Protection Agency, and I have been
4 given the opportunity to be the designated hearing officer
5 for this evening's proceeding.

6 First, a couple of comments, introductory
7 comments, that I would like to make. I'm just sorry to
8 see that there just hasn't been any more interest in this
9 proceeding than there is, it's just too bad about that. I
10 realize that we are going to be experiencing some
11 inconvenience tonight based on the size of the facility
12 and the number of people who have turned out here and the
13 numbers of people who have filled out registration cards
14 and have asked for an opportunity to speak. We will do
15 our best to accommodate everyone.

16 First, I would like to know if there are
17 people who are outside who want to speak or have questions
18 or comments because that's what this evening's hearing is
19 all about.

20 The record should reflect that this is a
21 public hearing pursuant to notice under the Illinois
22 Environmental Protection Agency Rules and Procedures for
23 Permit and Closure Plan Hearings found at 35 Illinois
24 Administrative Code, part 166, subpart A. The hearing is

1 being held in connection with an application of
2 Indeck-Elwood from Buffalo Grove, Illinois, for a
3 construction permit to construct a coal-fired power plant,
4 a new coal-fired power plant, at the intersection of
5 Drummond and Baseline Roads about a mile west of the
6 Village of Elwood.

7 The purpose of tonight's hearing is to
8 allow members of the public to express concerns, to make
9 comments, or to ask questions. This is a proceeding where
10 the Illinois Environmental Protection Agency is here and
11 available for you to state what is on your mind and to ask
12 questions about this facility. There are a number of
13 people who would like to speak who have signed
14 registration cards.

15 First, if you haven't filled out a
16 registration card, or if you would like to speak but
17 didn't designate that, you will have to find a card and
18 you will have to designate yourself because I'm going to
19 be calling people based on the cards. We have got a
20 number of people who have been in attendance and have
21 given us their name and address but have indicated that
22 they don't wish to speak.

23 If there are people who are representatives
24 of organizations or groups, and there are a number of

1 people in your groups present in the room who -- You
2 know, I hate to ask people to do this; but if there are
3 members of organizations who are not planning on speaking
4 and there are people outside who would like to speak but
5 who can't get in the room, then it would be very courteous
6 and we would appreciate it if there would be some
7 movement.

8 MALE VOICE: Where are you from? Are you from
9 Elwood?

10 MR. MERRIMAN: Excuse me.

11 MALE VOICE: I spoke out of turn. I'm sorry.

12 HEARING OFFICER MERRIMAN: It's quite all right.
13 We will attempt, given the size of this crowd and the
14 business that we would like to conduct tonight, to operate
15 pursuant to a certain amount of decorum. We will try to
16 be flexible and accommodate everyone.

17 MALE VOICE: I apologize.

18 HEARING OFFICER MERRIMAN: We would ask, for
19 example, when people are speaking that we exercise common
20 courtesy. But in addition to that, we have a court
21 reporter. We are making a record. This is a public
22 proceeding, and there is a public record. And our court
23 reporter up here, this young lady to my right, is very
24 diligently taking down everything that's being said. As a

1 result, I would ask that when you do speak that you speak
2 clearly, that you identify yourself when you come up to
3 speak, state your name, and where you are from and then
4 make your question and comment. Actually, we would ask
5 that you spell your name for the first time you speak for
6 the benefit of the court reporter.

7 I, unfortunately, based upon the time here,
8 will have to limit initial comments and questions to
9 approximately five minutes. I will try to be flexible.
10 If everyone who has asked to speak gets an opportunity to
11 speak and make their comments or pose their questions and
12 we have a lot of time, then we will entertain the floor
13 for you to come back and make further comments.

14 I would also like to advise you for the
15 record that the hearing record comment period will remain
16 open until midnight the 21st of June, 2003. Any person
17 who has a lengthy comment or you think of other things
18 that you would like to say that you didn't get an
19 opportunity to say here tonight, please feel free, the
20 public notice and the copies of the notice on the table
21 out there has my name and address, please feel free to
22 send written comments, they will be entered. I will enter
23 them in this record.

24 We are here tonight because the Illinois

1 EPA made a preliminary decision that Indeck-Elwood's
2 permit application with the conditions imposed by the
3 Illinois EPA in a draft permit met the criteria of the
4 Illinois Environmental Protection Act and the regulations,
5 but that is not a final determination. This proceeding
6 and the comment period for the written comments is the
7 opportunity for members of the public to provide input and
8 ask questions. Your input and the questions will be taken
9 under consideration by the Illinois Environmental
10 Protection Agency along with the application and all the
11 other matters that are before the Agency before a final
12 decision on the permit application is made.

13 Procedurally tonight, I'm going to give the
14 Illinois Environmental Protection Agency panel here an
15 opportunity to introduce themselves to you and make a very
16 brief statement. And then the applicant, I have been told
17 that there are representatives of the applicant present,
18 will also introduce themselves and make a very brief
19 statement. And then you will begin, it will be thrown
20 open to members of the public for questions and comments.
21 I will take them in the order in which I have the cards
22 here unless there are people here who -- And I have been
23 told that there are some people here who have certain time
24 constraints, pressing engagements where they might have to

1 leave. So if there is anyone here when we start the
2 public comment procedure, I will ask for a show of hands
3 of those people who need to go and need to start.

4 When you are done with your comment or your
5 question, then I would ask that you either take your seat
6 or if you wish to step outside to make room for people
7 outside to come in and proceed, then that would be great.
8 We will try to keep as much decorum as we can and get our
9 business done.

10 So with that, I will turn the matter over
11 to Chris.

12 MR. ROMAIN: Hello. My name is Chris Romaine.
13 I'm manager of the utility unit in the air permit section.
14 With me tonight I have Shashi Shah.

15 Shashi, raise your hand.

16 MR. SHAH: (Indicating.)

17 MR. ROMAIN: He also works in the permit
18 section, and Scott Leopold who works in the air quality
19 planning group.

20 MR. LEOPOLD: (Indicating.)

21 MR. ROMAIN: I just want to emphasize what
22 Mr. Merriman has said. We are here tonight to hear public
23 comments. I personally want to thank everybody who isn't
24 in this room, who gave up their place to somebody else to

1 provide comments.

2 MR. SHAH: Good evening, ladies and gentlemen.
3 My name is Shashi Shah. I'm a permit engineer in the
4 Bureau of Air. I would like to give you a brief
5 description of the project.

6 Indeck-Elwood has requested an air
7 pollution control permit from the Illinois Environmental
8 Protection Agency to build a new coal-fired power plant
9 about a mile west of the Village of Elwood.

10 The plant would have two identical
11 fluidized bed boilers. The boilers would burn coal as
12 their primary fuel and petroleum coke and coal tailings as
13 supplemental fuels with natural gas used as the start-up
14 fuel. The boilers would serve two steam turbines with a
15 total maximum generation capacity of 660 megawatts of
16 electricity.

17 The project is considered a major source
18 because of the permitted emissions of pollutants from this
19 plant which would be greater than major source thresholds
20 for nitrogen oxides, carbon monoxide, particulate matter,
21 and sulfur dioxide. For these pollutants and certain
22 other pollutants emitted in significant amounts, the plant
23 must use Best Available Control Technology.

24 Best Available Control Technology has been

1 proposed as the combination of fluidized bed boilers with
2 limestone addition to the bed and good combustion
3 practices accompanied by add-on selective noncatalytic
4 reduction and fabric filters. The plant is also subject
5 to a case-by-case determination of Maximum Achievable
6 Control Technology for emissions of hazardous air
7 pollutants including mercury. The above measures would
8 also provide effective control of hazardous air
9 pollutants.

10 Indeck has had an air quality study
11 performed to evaluate the air quality impacts from the
12 proposed project. This analysis addresses pollutants
13 other than ozone. This analysis indicates that air
14 quality would comply with ambient standards. The plant
15 would have only minor impacts on air quality that do not
16 cause or contribute to violations of any applicable air
17 quality standards.

18 With respect to ozone, the Indeck-Elwood
19 facility would not have any detrimental effect on local
20 air quality as ozone forms gradually as precursor
21 compounds react in the atmosphere. The Illinois EPA has
22 conducted an analysis of new power plants to evaluate the
23 potential effect on regional ozone air quality. This
24 analysis shows that the new coal-fired plants would

1 increase the level of ozone in the air. However, these
2 increases would not disrupt the attainment plan and would
3 not interfere with timely attainment of the ozone air
4 quality standard.

5 Because the plant would be considered a
6 major source of VOM, as it would be located in the
7 designated ozone nonattainment area, it would be
8 accompanied by compensating VOM emission offsets from
9 existing sources. Indeck will provide 1.3 tons of offsets
10 for each ton of the plant's permitted VOM emissions. As a
11 major source of VOM, the plant complies with the Lowest
12 Achievable Emission Rate for its VOM emissions, which
13 would be achieved for the boilers by good combustion
14 practices.

15 In summary, the Agency has reviewed the
16 application submitted by Indeck and has determined that it
17 complied with applicable state and federal standards. We
18 welcome any comments from the public. Thank you.

19 (A round of applause.)

20 HEARING OFFICER MERRIMAN: Two things. I would
21 like first the record to reflect that prior to tonight's
22 proceeding the hearing officer has received no requests
23 for interpreters or to address special needs, so we are
24 proceeding on the basis that there are no such requests.

1 The second thing I would like to point out,
2 and I don't know if I mentioned this before; but I want to
3 make sure that everyone understands that if you filled out
4 a card and left your name and address on the card you will
5 receive a copy of a Responsiveness Summary. This is a
6 document that will be prepared by the Illinois
7 Environmental Protection Agency as a part of the final
8 permit decision process. And in that Responsiveness
9 Summary, it will discuss the Illinois EPA's responses to
10 the questions and comments they receive. Again, just a
11 reminder, you may feel free to submit your questions and
12 comments to me in writing between now and the close of the
13 comment period on June 21, 2003.

14 Now, at this point it's my understanding
15 that someone from the Indeck-Elwood facility from the
16 proposed project would like to speak. If you would please
17 introduce yourself, sir.

18 MR. JIM THOMPSON: Good evening, ladies and
19 gentlemen. My name is Jim Thompson. I'm senior vice
20 president with Indeck Energy Services in Buffalo Grove,
21 Illinois. I would like to take a minute tonight to tell
22 you who Indeck Energy Services is, what we have done as a
23 company, and what we would like to do here in the Village
24 of Elwood.

1 Indeck Energy Services was started in 1985
2 and came from the company known as Indeck Power Equipment
3 Company, a company which has been in business for
4 40 years. Indeck Energy Services has developed 3,000
5 megawatts of electrical generation projects. These
6 projects have been built in this state, in the state of
7 Illinois, in New York, and as well as Massachusetts, in
8 the United States. We have built plants in Guatemala. We
9 have a large plant in London.

10 What we seek to do here in the Village of
11 Elwood is to build a 660-megawatt baseload Illinois coal-
12 based electric power plant. Eventually this facility will
13 replace less efficient coal-fired plants in the area. Our
14 plant will be a modern, proven plant which will utilize
15 circulating fluidized bed technology, CFB technology.

16 The United States Department of Energy has
17 declared this technology clean coal technology. We will
18 achieve and utilize Best Available Control Technology. We
19 will meet all federal and state air emission regulations.

20 Our project when it is placed in service in
21 2007 will deliver substantial benefits to the state and to
22 the region. We will provide over \$3 million a year in
23 property tax benefit. In using 2 million tons of Illinois
24 coal each year, we will provide a minimum of 200

1 additional jobs in this state along with the 80 permanent
2 operations jobs the plant will provide. There is a total
3 of almost 300 new jobs created. At the peak of
4 construction there will be 1200 union craft construction
5 jobs created by this project. When in service, this
6 project will have an annual budget in excess of \$100
7 million. We have seen that dollars spent multiply by
8 factors of two to three throughout the region and the
9 area.

10 Over the last few weeks, the opponents of
11 our project have sought to engage our company in a debate
12 about technology through the press. We have resisted this
13 as we believe this forum is the place to discuss such
14 issues. Our opponents continue to indicate that they
15 believe Integrated Gasification Combined Cycle is the
16 technology that we should be using, IGCC. We looked
17 extensively at this technology. We rejected it, however,
18 because IGCC is not commercially demonstrated. The only
19 projects built having been built by utilities, which had
20 substantial government funding. Demonstrated emissions
21 between our technology, CFB, and IGCC are actually quite
22 similar. However, IGCC availability is 20 percent lower
23 than CFB. The capital costs are 30 percent higher. The
24 results are -- even if you could get such a project built

1 would result in power costs 40 percent higher than with
2 our facility.

3 In the press recently there has been a
4 great deal of discussion about what our friends in
5 Wisconsin are doing. I would like to set the record
6 straight. Wisconsin Energy is proposing to add two 600-
7 megawatt pulverized coal units and an IGCC unit at their
8 Oak Creek station. The two conventional units will be
9 added in 2007 and 2009. The proposed IGCC plant is
10 scheduled to be in service in 2011, five years after the
11 conventional plant is put in service, five years after we
12 wish to have had our plant placed in service.

13 I quote from Wisconsin Power, "In designing
14 power of the future Wisconsin Energy examined the
15 reliability and environmental performance of several
16 advanced coal-based technologies before settling on
17 supercritical pulverized coal technology for the initial
18 two coal-based plants and an Integrated Gasification
19 Combined Cycle technology, IGCC, for the third coal-based
20 unit. If the appropriate emissions reduction equipment is
21 incorporated into each system, each of these technologies
22 provides different environmental benefits. However, IGCC
23 technology has yet to be used in a large-scale power
24 generation project and its reliability in such

1 applications has not been yet proven. Because the main
2 goal of our program is to reliably supply customers with
3 electric power, the applicants, Wisconsin Energy, believe
4 that the prudent course is to use supercritical pulverized
5 coal units for the first units allowing time for IGCC
6 technology to mature to that point that it can be used at
7 the third unit."

8 Finally, there is additional supportive
9 information from the public service of Wisconsin in which
10 they stated in their evaluation of these projects, and
11 again I quote, "Commissioned staff analysis resulted in
12 several quantitative conclusions. The IGCC unit, which is
13 the third unit in the proposal, is not cost effective
14 under any scenario. Incorporating IGCC into the proposal
15 makes the project 247 million to 328 million more
16 expensive than if WICO used only the standard coal units."

17 In summary, Indeck is proposing the correct
18 technology for a baseload facility to be built at Elwood.
19 Indeck will deliver the benefits to the community and will
20 be a good corporate citizen here for many years to come.
21 Thank you for allowing me to speak.

22 (A round of applause.)

23 HEARING OFFICER MERRIMAN: Before we go on, and
24 I would like to get into the question and comment period

1 as quickly as possible because we have a lot of people who
2 would like to be heard, I do want to ask a question. I
3 have been told that we are now at the maximum limit of
4 this room to comply with the local fire code, that if we
5 crammed everyone from outside in around the perimeters of
6 the room that we would exceed that. Does anyone here know
7 whether that is correct?

8 MR. NILLES: It is true. There are 25 people at
9 least would be denied entry because of fire code concerns.
10 My name is Bruce Nilles. I'm with the Sierra Club. And I
11 would like to read into the record 25 people who have been
12 denied the opportunity to be present tonight. They have
13 missed the beginning of this hearing, which is where
14 Indeck gives their proposal, gives their side of the
15 story, so they have been denied the fundamental fairness
16 purpose of this public hearing, which is to hear Indeck,
17 hear their neighbors, and be able to if they wish to make
18 their own comments. So I would like to read into the
19 record the 25 people who have been denied the hearing
20 opportunity tonight and put in a formal request that IEPA
21 put another hearing in this forum in a large enough venue,
22 because clearly it's a big interest. It's the largest
23 pollution source Chicago has seen in many, many years. So
24 the people who have been denied --

1 And credit to Illinois EPA, they have
2 stated, well, let's circulate people in and out, and see
3 if there is a way to accommodate that way. But that
4 misses the fundamental purpose which is to let people be
5 here to hear the entire hearing, to understand what their
6 neighbors are saying, to hear what the folks in the
7 industry are saying and respond accordingly. So again we
8 request another time and location where everyone can have
9 their opportunity to hear.

10 So I would like to read into the record:
11 Bonnie Major, Wilmington. Anne Kawaters, Chicago Heights.

12 MALE VOICE: She is here, right there.

13 MS. KAWATERS: I'm here.

14 MR. NILLES: Thank you. The purpose here is to
15 show people who were initially denied entrance.

16 MALE VOICE: But there were also 25 people that
17 left to make room for them.

18 MR. NILLES: She is here, so now we are down to
19 25. Paul Strand I think just got in at the end of the
20 Indeck --

21 MALE VOICE: Let's move on.

22 HEARING OFFICER MERRIMAN: Excuse me. I don't
23 think that we need to read the names into the record at
24 this point. We have cards. Everyone has had the

1 opportunity to fill cards out. They will have an
2 opportunity, if they have asked to speak, we will make
3 sure they have an opportunity to speak. There is a
4 transcript being prepared of everything that's been said
5 here. That transcript will be available. It will be
6 available on the Agency's web site. It will be made
7 available to anyone who wants to read the entire
8 proceeding, and everything that's said.

9 You have made your point. We will consider
10 and we will take under consideration your request to hold
11 another public hearing in a larger venue. And again we
12 convey the apologies of the Illinois Environmental
13 Protection Agency to everyone who has been inconvenienced
14 by the size of the room. We have asked members, there
15 were a number of members of local trade unions who were
16 here and present, We have asked them to step outside
17 leaving representatives inside; and it's my understanding
18 that a number of them did that to make room for people to
19 come in. We will try to accommodate everyone, and we will
20 make the record of the entire proceeding available.

21 So I don't think it's necessary that we
22 read the names. We have them. You may submit their names
23 as a written comment and that will be entered into the
24 record, but we have a lot of people here who would like to

1 speak; and we don't want to stay here all night long so --

2 MR. NILLES: Okay. I will provide you with a
3 copy of these names.

4 HEARING OFFICER MERRIMAN: I appreciate that and
5 we certainly will take this all into consideration.

6 All right. Now, I would begin again. I
7 would like you to step to the microphone when I call your
8 name. I would like you to try to make your comment or
9 your question as brief and cogently as possible. I would
10 like you to spell your name for the benefit of the court
11 reporter for the record. And I hope that we will keep the
12 comments relevant to the issue that is here before the
13 Agency tonight.

14 The first person I would like to call, is
15 there a Mr. John Thompson present?

16 MR. JOHN THOMPSON: Thank you, Mr. Hearing
17 Officer, and good evening to everyone who has come out
18 tonight.

19 I'm John Thompson. I'm the Advocacy
20 Coordinator for the Clean Air Task Force. We are a
21 national environmental group headquartered in Boston. I
22 live and my office is in Carbondale, Illinois, at 231 West
23 Main Street. I'm here to comment specifically on the
24 issue of Integrated Gasification Combined Cycle

1 technology, and the fact that it should have been selected
2 as BACT and LEAR for this application.

3 This issue has national significance.
4 Illinois is one of the first states to require as part of
5 the BACT and LEAR determination that IGCC be considered as
6 one of those technologies for meeting environmental
7 standards. And as the first application really in the
8 country to examine this issue, you have a responsibility
9 to make sure that this submittal is as complete and
10 thorough as possible because it sets a precedent for many,
11 many other power plants to come. That's why I come really
12 eight hours to speak to you tonight.

13 I listened to the gentleman from Indeck,
14 Mr. Thompson, describe IGCC; and with all due respect, I
15 have to disagree with his assertions that it is not
16 reliable or that the emissions are comparable to their
17 circulated fluidized bed proposal. If the company did a
18 thorough review of IGCC, it is not reflected in the
19 documents that were submitted to the Illinois EPA. The
20 BACT determination contains old information. It contains
21 incomplete information. It contains inaccurate
22 information. And the methodology used in the BACT
23 analysis is flawed.

24 Briefly, BACT analysis starts with a top-

1 down ranking of technologies from the most clean to the
2 least clean. The BACT analysis submitted by Indeck does
3 not do that. It simply lists the emission rates and tries
4 to say that despite great differences between IGCC and CFB
5 that it's all the same. It goes on to compound those
6 errors in the economic analysis in the BACT and LAER
7 determination by failing to calculate average costs for
8 emission reductions for sulfur dioxide, nitrogen oxide,
9 and instead relies on general affordability statements
10 that describe the difference between IGCC and circulating
11 fluidized bed.

12 The draft NSR manual from 1990 that you all
13 use to examine these applications makes it very clear that
14 general affordability is not a factor in these analyses.
15 This is what is at stake: Gasification is at least five
16 times cleaner in sulfur dioxide emissions than circulating
17 fluidized bed. It is at least 30 percent cleaner than the
18 emission levels, the standard that is contained for
19 nitrogen oxides in the draft permit. It has far better
20 control of mercury than is stated by Indeck. And it has
21 options for controlling carbon dioxide, which is important
22 for global warming.

23 I would like to correct a couple of
24 mistakes made by Indeck in their statements about the

1 Wisconsin plant. First of all, I would just like to note
2 that even the supercritical pulverized coal plant that
3 Mr. Thompson of Indeck mentioned, those are proposed by
4 Wisconsin Energy, and they are 30 percent cleaner on
5 nitrogen oxides than the permit level that is proposed
6 here for the circulating fluidized bed but those plants
7 are not.

8 I think that the economic analysis that the
9 Public Service Commission did on the IGCC plant fails to
10 adequately reflect IGCC's greater reliability that has
11 been achieved in the past few years. And during written
12 comments, we will embellish on these facts and expand on
13 the record.

14 Thank you for your patience, and I
15 appreciate everybody who has come out tonight for letting
16 me go ahead and head on back eight hours tonight to get
17 home. Thank you.

18 (A round of applause.)

19 HEARING OFFICER MERRIMAN: Lynn Fieldman. Is
20 there a Lynn Fieldman present?

21 MR. FIELDMAN: Good evening. Thanks for letting
22 me talk. I am president of the Will and Grundy County
23 Building Trades, and I'm business manager of IBEW
24 Local 176.

1 We are here tonight basically to support
2 the Indeck project. It's going to create a lot of jobs in
3 the area. It's going to create taxes in the area. It's
4 going to support the area. The economy right now is down,
5 so we need jobs. The man that just previously talked, I
6 don't know about any of his facts or figures. I go by
7 hearsay of what he's saying because I don't see any facts
8 or figures. There are different environmental groups that
9 are going to be against this, but I believe and I think a
10 lot of people in this room believe that Indeck was telling
11 the truth on those facts and that this is going to be one
12 of the cleanest coal-burning technologies that is in the
13 United States. And, therefore, we are definitely in
14 support of it. So thank you for the time and
15 consideration.

16 (A round of applause.)

17 HEARING OFFICER MERRIMAN: Keith Harley. Is
18 Mr. Harley present?

19 MR. HARLEY: Good evening. My name is Keith
20 Harley. I'm a resident of Will County, live not far from
21 here; but I'm here tonight as an attorney on behalf of a
22 group of Will County residents who are operating under the
23 name of CARE, which is Citizens Against Ruining the
24 Environment.

1 CARE asked for my review of the permit, the
2 application and other documents, as to whether or not it
3 was a protective permit; that is, whether you are for this
4 facility or against this facility, one thing you are going
5 to want to see is that the permit that is being issued by
6 the State of Illinois is the most protective as possible
7 of members of the public and workers who are going to be
8 involved in this facility. My conclusion is that this
9 permit is not as protective as it should be, that Illinois
10 EPA still has a lot of work to do if it's going to protect
11 workers and members of the public who are going to be
12 living with this facility potentially for a very long
13 time.

14 Most of my comments that I would make on
15 this are things that only a lawyer could enjoy, so I won't
16 bore everyone with that. But I do have one comment that I
17 want to introduce in the record tonight, and it's based on
18 representing community organizations, unions, other
19 groups, in dealing with permitted facilities for many,
20 many years since the late 1980s. In many situations, when
21 local officials, workers, and members of the public, think
22 a protective permit is in place, the facility will begin
23 operating and then will experience permit violations
24 creating unsafe conditions for everyone. It is a mistake

1 to think that the Illinois EPA has the resources to
2 conduct regular inspections or even to do meaningful
3 enforcement in all but a handful of cases.

4 Local officials, workers, and members of
5 the public should be given every opportunity to ensure a
6 plant is operating in a safe, responsible manner. How?
7 Many of the provisions of a permit including this permit
8 require a company to prepare regular reports on its
9 environmental performance. These reports are certified by
10 a responsible company official under penalties of perjury
11 for false information. In order to assure the local
12 citizens, workers, elected officials, know that this
13 facility is complying with its permit limitations, the
14 permit should require that these performance reports are
15 made available to everyone by being placed in a local
16 repository. This requirement should be made part of the
17 permit.

18 If IEPA decides to not make it part of the
19 permit, IEPA should make its own commitment to place all
20 these documents in a local repository, any documents that
21 would otherwise be available under the Freedom of
22 Information Act. Why is this important? In many cases
23 the only way unsafe conditions are made public is by local
24 officials and members of the public reading these reports

1 and acting on them.

2 Under the Clean Air Act, there are also
3 whistle blower protections for workers of these facilities
4 who learn of these kinds of permit violations. The only
5 way state regulators will investigate a facility is if
6 local officials, members of the public and workers, are
7 insisting this occurred because they have evidence of
8 unsafe conditions or of violations.

9 In many cases the only time the Illinois
10 Environmental Protection Agency or Attorney General will
11 prosecute an environmental case is if workers, local
12 officials, citizens, insist based on credible evidence of
13 permit violations.

14 On behalf of CARE, I think this permit
15 should be denied; and I will explain in my written
16 comments chapter and verse why that is so. And I will
17 make those comments available to anybody here who would
18 like to see them so that it's not mere hearsay.

19 But if this permit is issued, on behalf of
20 CARE I would ask that the IEPA make information about
21 plant performance freely locally available to members of
22 the public, to workers, and elected officials, since these
23 are the people who may have to live with this facility and
24 its performance for years to come. Thank you.

1 (A round of applause.)

2 HEARING OFFICER MERRIMAN: Dorothy Fisch? Is
3 there a Dorothy Fisch present?

4 If I mispronounce anyone's name, please
5 forgive me. David Joseffer?

6 Andy Neill? Well, we are batting a
7 thousand.

8 Bonnie Major.

9 MALE VOICE: She is outside.

10 HEARING OFFICER MERRIMAN: Outside? Okay.

11 While they are coming in, I will ask is
12 there a Paul Strand present.

13 MALE VOICE: Outside.

14 HEARING OFFICER MERRIMAN: Rick Kwasneski?
15 Okay.

16 MR. KWASNESKI: It's Rick Kwasneski. I'm the
17 Executive Director for the Joliet Arsenal Development
18 Authority, and we will be submitting a formal written
19 support of this project. But I just wanted to say that we
20 have worked very closely with the Village of Elwood
21 CenterPoint Properties, and have gone through the process
22 with them and annexation and zoning, and have allowed for
23 the potential use of a power plant.

24 And just also to state that in our original

1 John Reddy?

2 MR. REDDY: John Reddy, local resident for a
3 lifetime really. And I have sat here at meetings before
4 and this room and others when they were hopelessly
5 overcrowded, and we did have -- First off, I'm here to
6 listen as you are here to listen. I'm learning and I hope
7 that I will get more out of the transcript than I
8 certainly know now. I presume I'm in the same position as
9 almost everybody else here.

10 But as far as the development of this power
11 plant, it was my privilege to be here a few years ago when
12 the development authority and the township or the village
13 officials here extolled the benefits of probably one of
14 the world's largest landfills. It was going to solve all
15 our problems and give us a lot of jobs. Instead of
16 getting that, there was opposition of not only the
17 environmental groups but Veteran's Administration and
18 other things, and we ended up with CenterPoint which to me
19 is a huge improvement, much cleaner operation, and
20 bringing lots of jobs, lots of money, to the area.

21 So we do not want to go into this without
22 checking any alternatives. When I was working at Argonne
23 Lab, the next building to me there was major research on
24 the fluidized bed method of burning the coal efficiently.

1 I would like to see some kind of a cost analysis on this,
2 though. I haven't heard this yet.

3 (A round of applause.)

4 HEARING OFFICER MERRIMAN: Bill Brier?

5 Oh, I'm sorry. Your name.

6 MS. MAJOR: Hi. I'm Bonnie Major and I live in
7 Wilmington, Illinois. And I also am fortunate enough to
8 have another home in Romeoville, Illinois. I'm here as a
9 representative of the Sauk-Calumet Sierra Club. I am the
10 vice chair. I have been the vice chair for 20 years now.

11 I'm here because -- Well, they let me come
12 in because I got locked out, so they let me up now. I
13 have lived in this area all my life and swam and fished
14 out here since I was a little girl. And I'm asking --
15 Well, the other point I would like to make is I am not
16 antiunion; and the union members and I have had wonderful
17 conversations out there. My son is a union carpenter and
18 he's been in the union hall three days waiting for work,
19 so I understand and I sympathize.

20 But my question is why can't we use
21 something besides the soft coal that's going to affect our
22 air, our water, our fish. Why can't we use natural gas
23 to power this plant? I also have eight grandchildren.
24 Out of the eight four of them have asthma. There is no

1 other asthma in our family, just the four grandchildren,
2 that live in Manteno out this way have asthma. Thank you.

3 (A round of applause.)

4 HEARING OFFICER MERRIMAN: We have taken note in
5 the record of your questions, and we will address those in
6 the Responsiveness Summary.

7 Did I call Bill Brier?

8 MR. BRIER: My name is Bill Brier. I'm a
9 resident of Elwood. And while Mr. Thompson and the Sierra
10 Club member and Mr. Fieldman were speaking, I was taking
11 notes. And I have got a few questions to direct to both
12 Mr. Thompson specifically and to the IEPA board.

13 The first question is why does this plant
14 have to be in Elwood. Since you are up in Buffalo Grove
15 and since the plant is so beneficial to everybody, why not
16 build it in Buffalo Grove?

17 (A round of applause.)

18 MR. BRIER: Okay. Now, we heard a lot of
19 technical specifications, which I don't claim to be an
20 expert on power generation. I know enough about it to
21 stay out of a power plant. But the bottom line is that
22 this plant will burn bituminous coal, is that correct?

23 MR. ROMAINE: Yes.

24 MR. BRIER: Okay. Now, how many tons of coal

1 does it take to produce a kilowatt of energy? And where
2 are all those emissions going from burning all that
3 bituminous coal which contains a substantial amount of
4 pollutants that produce fly ash, sulfur dioxide, carbon
5 monoxide, carbon dioxide. We get acid rain from sulfur
6 dioxide. This is all going to be within one mile of
7 Elwood? Not if I can stop it.

8 Now, another question is Mr. Thompson went
9 on and on and on about the use of this technology and the
10 Wisconsin -- or I'm sorry -- the use of IGCC in Wisconsin
11 Power. Do we really care what's going on in Wisconsin if
12 we are in Elwood? We are concerned with what's going to
13 happen next door to us. And what I see is a big ugly
14 power plant with smoke stacks sticking in the air belching
15 all kinds of junk into the air that we have to breathe,
16 raining down pollutants on our homes and our cars and our
17 properties and our school and our school children, all the
18 taxpaying citizens in Elwood who are going to have to
19 watch all this junk rain down on them.

20 And where are the tax benefits? We haven't
21 seen any tax benefits out at CenterPoint. We have got a
22 couple of bumpy streets fixed. But where are the tax
23 benefits going to go? Is my property tax bill going to
24 reduce because of your power plant? Will it reduce enough

1 to offset the damage to my property values caused by that
2 big, ugly monster west of town? Is it going to reduce the
3 taxes enough to offset the cost of repairing damages to my
4 property caused by airborne junk coming out of your smoke
5 stacks? I don't think so.

6 And if you want to build a power plant, why
7 don't you build it out somewhere where it isn't going to
8 hurt anybody? Build it out in the middle of a cornfield
9 in Iowa or put it somewhere else. Don't put it a mile
10 west of our little town that for so many years has been
11 nice and clean and peaceful and nice to live in, and all
12 of a sudden it's going to be full of smoke. And what
13 about all the coal cars that are going to be dumping coal
14 into the bins at the power plant? What about the coal
15 dust raised as those rotary dump cars are inverted to
16 empty out their contents? 100 tons of coal per car times
17 100 to 125 cars per train. Are you going to say that none
18 of that coal dust is going to go into our atmosphere and
19 show up somewhere into our property? I don't think you
20 can control that.

21 And I don't think you can control the
22 emissions as well as you say you can. The entire power
23 industry has a long history of not being trustworthy when
24 it comes to emissions. And I don't see where that's going

1 to change just because somebody stands up in front,
2 rattles off some technical specifications about VOMs and
3 so forth, and then literally assures us that we will
4 benefit from the result of this power plant.

5 As for the jobs that it might create,
6 that's an insignificant issue as far as I'm concerned.
7 I'm not in a trade union. I don't really care whether
8 trade unionists get jobs because this power plant is
9 built. I don't want to see anybody unemployed, but it's
10 not my concern. My concern is my environment, my health,
11 my family's health, my property values, the health of my
12 neighbors, the health of the children that live in Elwood,
13 the quality of life that we have.

14 No matter what you do when you build that
15 thing out west, you will change that. You will reduce
16 that quality in every measurable way. History has shown
17 that happens over and over again when power plants are
18 built adjacent to residential areas. I don't see where
19 you are going to change things. The old saying about
20 history repeating itself will definitely show up here.

21 As far as I'm concerned, this is one of the
22 most ill-advised things I have heard of in all the time I
23 have been out here. And I implore the IEPA to say take
24 your power plant someplace else. I don't care how clean

1 they say it's going to be, they can't guarantee that. The
2 power industry has yet to demonstrate that they can
3 100 percent guarantee air quality. It's going to produce
4 a lot of emissions. Every ton of coal you burn is going
5 to throw stuff in the air. You can't get rid of it. I
6 don't care how many stack scrubbers you have.

7 So build it somewhere else. Don't pollute
8 our environment. Don't damage our property values. Don't
9 turn Elwood into another smoke stack city. Don't make it
10 turn out like Rockdale where they are constantly dealing
11 with the fallout from their power plants. Take it
12 somewhere else. That's all I have to say. Thank you.

13 (A round of applause.)

14 HEARING OFFICER MERRIMAN: Mr. Brier, thank you.

15 Since the purpose of this proceeding is to
16 address comments and questions to the Illinois EPA, I will
17 assume that a number of your comments addressed to Indeck
18 were rhetorical in nature; but we will address your
19 concerns in the Responsiveness Summary.

20 MR. BRIER: Thank you.

21 HEARING OFFICER MERRIMAN: Eugene Forkin.

22 MR. FORKIN: My name is Gene Forkin. I'm a
23 union boilermaker. I live in Orland Park, Illinois.
24 Orland Park is directly downwind of the smoke stack

1 emissions from the Elwood plant here. And I also have a
2 recreational facility in Essex, Illinois, just south of
3 us.

4 I stand in support of the EPA issuing the
5 permits for the Indeck Power Plant. With today's
6 technology and what I have seen over the past 27 years as
7 a boilermaker, we can make the emissions clean, cleaner
8 than what has ever been present before.

9 I would like to make one more point. The
10 gentleman from Indeck had stated something about money
11 translating three times, every dollar spent in the area
12 translates three times. The EPI has made a statement that
13 every dollar made in an area will circulate seven times.
14 This type of plant burning Illinois coal will create jobs
15 in southern Illinois for coal miners. It will create jobs
16 and tax base up here. And I also think it will lessen our
17 dependency on foreign countries and make us more
18 self-sufficient. Thank you.

19 (A round of applause.)

20 HEARING OFFICER MERRIMAN: Is there a Mark
21 Jacklich present?

22 MALE VOICE: He's outside. Should we try to get
23 him in?

24 HEARING OFFICER MERRIMAN: If you would, please.

1 While we are waiting here, I just want to
2 thank everyone for your patience and your cooperation in
3 making the best of a crowded room, so we do appreciate
4 your considerations.

5 James DeSantis present? No? All right.

6 MALE VOICE: He's outside.

7 HEARING OFFICER MERRIMAN: If someone would ask
8 them --

9 Georganne Higgins.

10 MS. HIGGINS: My name is Georganne Higgins. I
11 live in Bourbonnais, just over the border in Kankakee
12 County. And I have two concerns to express tonight. One
13 is I have a ten-year-old daughter who was hospitalized
14 earlier this year for three days with breathing problems
15 with a bill of thousands of dollars to us and our
16 insurance company. And we don't need another major source
17 of air pollution in the area. We have a room-size air
18 filter for her room. So when the air pollution is bad, we
19 tell her, Go to your room, close the door, and keep the
20 filter on. And she doesn't like that, not having the run
21 of the house, and eat your meal and get back to your room.
22 That's not the way a family should have to live.

23 And second, I'm a volunteer at Midewin
24 National Tallgrass Prairie. This has the potential to be

1 a national treasure. There are hundreds of volunteers
2 from a wide area, some people drive two hours just to
3 volunteer there. And many programs, giving tours on
4 workdays, working with plants, getting the native plants
5 reestablished, and the Mighty Acorn Program to introduce
6 school children to the prairie. And how many aspects of
7 government get any volunteers? And here you have
8 hundreds.

9 People really feel the Midewin is
10 important. And it's inappropriate to put a major
11 pollution source right next to this national treasure.
12 Thank you.

13 HEARING OFFICER MERRIMAN: Mark Jacklich or
14 James DeSantis.

15 Dominick Byrne.

16 MR. BYRNE: Good evening. My name is Dominick
17 Byrne, same spelling as the former Chicago mayor.

18 Although I can sympathize with the health
19 concerns that the individuals of Elwood have had, I don't
20 believe we would even be here if there was any possibility
21 that there would be pollutants to the degree that has been
22 said here.

23 I believe this is a win-win project for all
24 parties involved. For the Elwood and Joliet area, it

1 would be enormous employment. For the union tradesmen and
2 women that would build this powerhouse, it would add much
3 needed employment. And lastly, for all business in the
4 Elwood and Joliet area, it would be a boost in sales.

5 I would also like to add that the only way
6 that you can stimulate the Illinois economy is by putting
7 Illinois residents to work and not by giving tax cuts.

8 On the last note, on the ability for union
9 tradesmen and women to build this project safely,
10 underbudget, and on schedule, one only has to look at the
11 track record year in and year out for this area. Thank
12 you very much.

13 (A round of applause.)

14 HEARING OFFICER MERRIMAN: Paul Strand.

15 MR. STRAND: My name is Paul M. Strand. I live
16 at 100 East 163rd Street, South Holland, Illinois, 60473.
17 I worked for 31 years as a naturalist for the Cook County
18 Forest Preserve. In June -- I'm now retired by the way.
19 In June 1998 Congress recognized the Midewin National
20 Tallgrass Prairie as a national treasure. The 60,000-acre
21 prairie is inspected and an often visited unique, natural
22 area tourist attraction. Visitors who spend time at the
23 prairie and/or at the Veterans Cemetery will help the
24 local economy by utilizing local restaurants, motels, and

1 other facilities. If Indeck is able to build a giant
2 coal-fired plant in Elwood, the scenic quality of the
3 entire area will be degraded. Visitors who come to enjoy
4 the unique prairie and Veterans Cemetery will expect
5 clean, clear air and not offensive industrial smoke
6 wafting towards Chicago. Air pollution laws already
7 violate federal health standards in the Chicago area. We
8 do not need more smog-filled days.

9 The industrial area in the arsenal property
10 should be light industry similar to what we have in South
11 Holland where I live. It is not a repository for smoke
12 stack industry. Imagine both the prairie and the cemetery
13 with a giant smoke stack towering over them. This is not
14 a welcoming picture.

15 Also Indeck proposes to transmit
16 electricity by running newer, larger power lines through
17 Midwin. I strongly believe that Indeck's dirty coal-
18 fired plant should be rejected. The EPA should stand
19 firmly against permitting the building of a coal-fired
20 plant in Elwood. Thank you.

21 (A round of applause.)

22 HEARING OFFICER MERRIMAN: George Stimac.

23 While we are waiting, I will see if there
24 is Anne Kawaters.

1 MS. KAWATERS: Good evening. My name is Anne
2 Kawaters. I live in Chicago Heights. I'm also chair of
3 the Sauk-Calumet Group of the Illinois Chapter of the
4 Sierra Club with over 1900 members in South Cook, Will and
5 Kankakee counties.

6 The pollution from this soft coal-burning
7 facility, if built, would settle out over the area where I
8 live along with millions of other citizens in Illinois and
9 Indiana. As it is, when the wind shifts and comes from
10 the east instead of the prevailing west and southwest, I
11 don't even have to look at the weather vane, I just can't
12 breathe. It was not until I moved to Illinois and the
13 Chicago region that I developed asthma. This is an
14 inhaler. (Indicating.) I never go anywhere without it.
15 And ask any educator, these inhalers are now prevalent in
16 all of our schools. Chicago is known as the asthma
17 capital of the country, as was spelled out in a recent
18 article in the Chicago Tribune Sunday Magazine section a
19 few months ago or weeks ago. Are you really going to
20 permit a polluting power plant that would escalate our
21 citizens' health risks even further?

22 The Chicago area is a nonattainment zone
23 under the Clean Air Act and has never met minimum
24 standards for safe air quality under that legislation. It

1 really puzzles me what the Governor and his people can be
2 thinking. To allow this facility to be permitted would be
3 unconscionable. Our governor should be ashamed to even
4 consider burning soft coal in our state and to issue a
5 permit to site a not even state-of-the-art coal-burning
6 plant in this location is unthinkable. It would not be
7 safeguarding the health of our citizens, nor would it be
8 acting as a good neighbor to those states downwind of
9 Illinois. It would be providing a minimum number of jobs
10 to produce energy that would not even be used in Illinois
11 but sold on the grid to the highest bidder. If a power
12 plant is to be built here at all, then let us please
13 adhere to the original plan of making it a natural gas-
14 fired facility.

15 Over and above the health hazards of
16 building this plant are the damages it would do to the
17 Midewin National Tallgrass Prairie. To have this national
18 facility in Illinois is a great honor and a sacred trust.
19 To denigrate the Midewin by building a soft coal power
20 plant here, by running more high-tension wires through the
21 Midewin, and by using a planned buffer zone to store coal
22 is just plain silly. I strongly urge the IEPA to deny
23 Indeck's request for this permit.

24 (A round of applause.)

1 (Document marked as Exhibit No. 1
2 for identification, as of 5/22/03.)

3 HEARING OFFICER MERRIMAN: I previously called
4 on a George Stimac -- is not present, okay.

5 Mary Pat Holtschlag.

6 MS. HOLTSCHLAG: My name is Mary Pat Holtschlag.
7 I'm present of Prairie Creek Preservation, which is a
8 watershed group. I live in Manhattan. I am also the
9 acting chair for Prairie Streams. It's four watersheds
10 that have combined, and we are going to be working with
11 Openlands for benefiting the area hopefully.

12 I have a few questions. And I'm wondering,
13 is there going to be any water permit issued? Is Indeck
14 looking at any water permit? And this is directly related
15 to No. 5 on page 5, Identification of Significant
16 Emissions Units. Consider its talking about roadways and
17 other sources of fugitive dust. From what I have read in
18 parts of the permit, it looks as though you are going to
19 be -- anything that falls from the sky and is in the
20 parking lot and things like that that you are going to be
21 just using, you know, going out with hoses or something?
22 Can you explain that a little bit, Mr. Thompson? Has
23 any --

24 MR. ROMAINE: I guess I would request the Indeck

1 representatives describe the control measures that were
2 used for the open roads and parking areas.

3 MR. JIM THOMPSON: In our permit, we did make a
4 commitment to use water to control dust on the roads.

5 MS. HOLTSCHLAG: Okay. I guess my question is
6 what's going to go -- When you are using that water to
7 control the dust, that water has to go somewhere. Are you
8 talking about some kind of detention, retention? Who is
9 going to be removing whatever is gathering in those
10 detention or retention ponds? Those are some questions
11 that I have, and I don't know -- I mean we can talk about
12 this at a later date if that's okay; but I need to take
13 something back to our group, too, about this.

14 MR. JIM THOMPSON: Well, there are detention
15 ponds on the park, in the industrial park, designed to
16 catch all rainwater runoff. That's the purpose of the
17 detention/retention ponds.

18 MS. HOLTSCHLAG: What about what you are going
19 to be doing with hosing down some of the other sources of
20 fugitive dust?

21 MALE VOICE: Where is the stuff going to go? Is
22 it below the water table?

23 MS. HOLTSCHLAG: I'm not trying to create con --
24 I'm just wondering, I need to know where that water is

1 going to go and if there is any way that you are going to
2 be reclaiming it or something.

3 MR. JIM THOMPSON: We do have a water discharge
4 permit that has been applied for that is a part of a
5 separate proceeding. And I'm not trying to be evasive
6 here with you, but this is an air permitting hearing.

7 MS. HOLTSCHLAG: Okay. No. I understand, but
8 this is -- Because it is listed in the air permit, I
9 wanted to go ahead and address that so I can get back with
10 you and get some information.

11 MR. JIM THOMPSON: There is an entire separate
12 proceeding for the water discharge permit.

13 MS. HOLTSCHLAG: Are you applying for a clean --
14 under 404 or --

15 MR. JIM THOMPSON: We have already applied.

16 MS. HOLTSCHLAG: All right. One of the other
17 questions that I have is disposal of the limestone. From
18 what I am understanding, the limestone will be used to
19 basically -- I mean probably neutralize some sulfuric
20 acid. How is that going to --

21 MR. ROMAINE: That's correct. The limestone is
22 used to collect acid gases to collect the sulfur dioxide
23 that's produced by burning the coal.

24 MS. HOLTSCHLAG: And how is that disposed of? I

1 would imagine that there is a certain critical life of how
2 well the limestone will react and capture that sulfuric
3 acid. So what is going to happen to that limestone?

4 MR. ROMAIN: That limestone will be taken off-
5 site for proper disposal. Is there anything more you
6 would like to add on that, Tom? It would not be an
7 on-site disposal facility.

8 MS. HOLTSCHLAG: One other comment just to
9 Mr. Thompson. I was on your web site today and --
10 Indeck's, not yours personally but Indeck's, and one thing
11 that I noticed was missing is how you work with the
12 communities. There doesn't seem to be any way that you
13 address actually being part of the community and how you
14 respond to community questions and problems and things
15 like that. That's something that for the people who live
16 here we want to know, whether you are a union worker or
17 whether a lot of my neighbors are here and they are union
18 people, and they are for this. We would like to see best
19 technology used, but we would also like to know how your
20 company is going to be working with the community.

21 HEARING OFFICER MERRIMAN: Generally speaking
22 the questions should be directed to the Agency panel, but
23 because of the -- I think that's the kind of question that
24 everybody here is interested, if Mr. Thompson would like

1 to address that.

2 MR. JIM THOMPSON: We would be very happy for
3 anybody to talk to the any of the city officials where any
4 of our facilities are located. We have excellent
5 relationships with all of our plants. We have a plant in
6 Rockford, Illinois, which is very near here. We were
7 welcomed into that community by the mayor. The six
8 facilities that we operate in the state of New York, we
9 have excellent programs in place.

10 I agree with you, they are not very well
11 called out in our web site. Our web site is fairly
12 spartan. But any of the facilities that we have in
13 New York -- We have sponsored little league baseball. We
14 have built facilities to help light baseball fields. We
15 have built baseball fields. We have scholarship programs.
16 We donate funds to charity. We are a private company.
17 People don't know who we are. We don't make a lot of
18 racket. But we are well received anywhere where we
19 have operated.

20 MS. HOLTSCHLAG: Okay. That was something that
21 I mean you guys should consider putting it on your web
22 site.

23 MR. JIM THOMPSON: We don't --

24 MS. HOLTSCHLAG: Because when Joe -- Joe, you

1 know, a person who lives in the area, wants to find
2 something out about a corporation, I mean it's Enron all
3 over again for a lot of us. We are looking at that, and
4 we are saying, "Oh, my gosh they are going to do it to us
5 again."

6 So anyway, thank you very much. And that
7 was all the questions that I had. Thank you.

8 (A round of applause.)

9 HEARING OFFICER MERRIMAN: Again, I would like
10 to remind you that the purpose of this hearing is to
11 address questions to the Illinois EPA, the panel, and
12 specifically about the permit that is under consideration
13 at this time.

14 Robert Schwartz.

15 MR. SCHWARTZ: Thank you. I'm Robert Schwartz.
16 I'm vice president and business agent for the
17 Boilermakers' Union, and I represent over 10,000 members
18 in the State of Illinois who are in favor of this project.
19 I respectfully request that the IEPA grant an operating
20 permit for the Indeck-Elwood powerhouse. Our members work
21 at Komatsu in Peoria, who build coal-mining equipment.
22 This would create jobs for them. This would also create
23 jobs for our members in this area.

24 The emissions from these units are well

1 below the EPA guidelines. These units will be erected far
2 enough away from the residential area of Elwood in a
3 properly zoned industrial park. I, therefore,
4 respectfully request that the IEPA grant an operating
5 permit to Indeck for their Elwood project. Thank you.

6 (A round of applause.)

7 HEARING OFFICER MERRIMAN: Thank you. We are
8 just taking up a lot of time by that. I appreciate
9 everyone's interest and concern.

10 Just to clear up one point in the record,
11 this is not a hearing at this point for consideration of
12 an operating permit, as I understand it, but a
13 construction permit. There will be an operating permit
14 under consideration at some point in the future if a
15 construction permit is granted.

16 MR. ROMAINE: That is correct.

17 There is a large crowd here. I think we
18 would like to have a few more people speak before we
19 consider taking a break, unless everyone thinks that --
20 You want to keep going. All right. We will go.

21 Jean SmilingCoyote.

22 MS. SMILINGCOYOTE: Jean SmilingCoyote. I live
23 in Chicago. It's close enough to Buffalo Grove. I have
24 been there a lot. It's a real nice suburb. And out of --

1 Since I wrote down my comments, out of consideration for
2 other people who really need to speak, I will just turn
3 them in to you in writing at this time.

4 HEARING OFFICER MERRIMAN: Thank you. I will
5 accept your comments into the record, and we will make
6 sure that they are taken under consideration. Thank you
7 very much.

8 MS. SMILINGCOYOTE: Okay.

9 (Document marked as Exhibit No. 2
10 for identification, as of 5/22/03.)

11 HEARING OFFICER MERRIMAN: Dwayne Haemker.

12 MR. HAEMKER: Good evening, ladies and
13 gentlemen. I am a member of the board of trustees from
14 Village of Symerton, just a little town southeast of here.
15 And for the last three years, I have been a boilermaker
16 apprentice. Before that I worked for Linetech Systems,
17 the last defense contractor to work at the Joliet Arsenal.
18 And when I got laid off, it was really hard finding a job;
19 and they are still hard to find today. And a year later
20 after the Arsenal was gone, we lost Johnson & Johnson from
21 Wilmington. That was another big blow to the area. And
22 we just, we have got to have the jobs back no matter what
23 it takes. So I hope everything is approved. Thank you.

24 (A round of applause.)

1 HEARING OFFICER MERRIMAN: Art Lietz.

2 MR. LIETZ: Hi, I'm a local resident of Elwood.
3 My name is Art Lietz. I just have a couple questions.
4 Why we are standing in the middle of probably the energy
5 source of the world with all the power plants surrounding
6 us, why do we need more power? I can't believe that
7 CenterPoint is going to generate that much stuff that they
8 need that much additional power for this area with all the
9 power plants.

10 I have a son that works at Braidwood. I
11 have somebody else that works for NiCor. And the coal
12 just don't turn me on either. I'm not that much on the
13 technical part, but I do know there is a lot of pollution
14 from coal. And how can they guarantee that there will not
15 be any fallout in our area? I don't care where they put
16 it in Elwood, it's close to where we live and go to
17 school. Okay.

18 The other one is another W, water. Where
19 are they getting the water from, and where is the water
20 going? That's the big question.

21 HEARING OFFICER MERRIMAN: Thank you. We will
22 take those questions under consideration, and we will
23 address those in the Responsiveness Summary.

24 And if you filled out a card, we have your

1 name and address, so we will make sure you get a copy of
2 that.

3 MR. LIETZ: Thank you.

4 (A round of applause.)

5 HEARING OFFICER MERRIMAN: Ronald Bedard or
6 Bedard. And again, I apologize for the mispronunciation
7 of everyone's names; but you know who you are.

8 MR. BEDARD: My name is Ron Bedard. Other
9 people have expressed pretty much many of my concerns
10 already, so I'm not going to repeat them. I'm from
11 Aurora. Aurora is going to be downwind from this plant,
12 too, just like many other communities. I am not antijob.
13 I'm not antiunion. I'm for jobs. I was a member of a
14 union at some time in my history, and I have been out of
15 work. I know how important it is to have jobs. I'm all
16 for those.

17 But my basic question is how can we
18 contemplate approving a new plant, brand-new plant, that's
19 not going to use the cleanest coal technology that's
20 available? Other facilities use cleaner coal technologies
21 than this particular plant is going to use. I think this
22 one should use them, too. Thank you.

23 (A round of applause.)

24 HEARING OFFICER MERRIMAN: Again, your questions

1 will be addressed in the Responsiveness Summary.

2 Terri Voitik.

3 MS. VOITIK: I want to thank the IEPA for being
4 here tonight to listen to us. I have seen all of you
5 before. My name is Terri Voitik. I'm from Aurora,
6 Illinois. Three and a half years ago I became involved in
7 clean air issues when one day I found out about an 870-
8 megawatt power plant being constructed in my neighborhood.
9 This was the inception of my group called CAPPRA that I
10 was the founder of. There were 300 members that supported
11 our efforts to stop this plant and the plants that -- the
12 myriad of others that then applied for permits since
13 deregulation. Up until today, I believed that Reliant was
14 the monster of all power plants at 870 megawatts. This
15 plant is an even bigger monster.

16 My comments are these: We do not have a
17 need for additional megawatts in the State of Illinois.
18 Much of this energy will be placed on the grid to be sold
19 across state lines. Illinois will be the keeper of the
20 poor coal air quality.

21 Coal power is filthy and mercury poisoning
22 in our state's waterways has become dangerous. We all
23 know that. And we know when we pick up a magazine or a
24 book, it's all over, our wildlife, our fish, and our

1 waterfowl are unsafe to eat. Asthma is on the rise in
2 epidemic proportions. Our children need clean air to
3 breathe into their lungs. Coal will not provide that.

4 Most of this area is a nonattainment area.
5 This plant, I believe, I'm not sure about the statistics,
6 but I believe it creates about 2000 tons of NOx. All I
7 can say is why are we even considering this. Please take
8 into consideration the health and environmental needs of
9 the citizens of Illinois and those of generations to come,
10 and please deny this permit. Thank you.

11 (A round of applause.)

12 HEARING OFFICER MERRIMAN: Lynn Fieldman.

13 MALE VOICE: He already spoke.

14 MALE VOICE: Let him go again.

15 HEARING OFFICER MERRIMAN: Bruce Nilles.

16 MR. NILLES: Again, my name is Bruce Nilles.

17 MALE VOICE: He's already spoke.

18 FEMALE VOICE: No. That was on a separate
19 issue.

20 HEARING OFFICER MERRIMAN: That was a procedural
21 matter that was raised at the beginning. We will give him
22 an opportunity to make his comments for the record and ask
23 everyone to cooperate. Thank you.

24 MR. NILLES: Thank you again. It's Bruce

1 Nilles. I'm an attorney with the Sierra Club. We are a
2 national conservation organization with about 6,000
3 members across the United States, 26,000 here in Illinois.
4 And I guess this isn't an issue about jobs versus the
5 environment. And I guess at the outset I would say who
6 are we asking to come into this community that is going to
7 end up polluting millions of folks downwind. We are
8 dealing with the Indeck Energy Company. And as someone
9 said before, we don't know much about them. Well, I know
10 two things about them, which I would ask all of you to
11 consider before attaching your star or attaching yourself
12 to the project they are proposing.

13 First of all, they built a power plant in
14 Rockford. It's been in violation since the day it was
15 built. They are not a good neighbor.

16 MALE VOICE: Point of order. He's talking about
17 the company, not sticking to the issue for what the
18 hearing is for. That's a point of order, Chairman.

19 HEARING OFFICER MERRIMAN: All right. Thank you
20 for your point of order. I would say that I'm going to --
21 It's relevant to the issue of who the applicant is. And
22 under the rules that control this proceeding, I will allow
23 it.

24 MR. NILLES: Thank you. The Clean Air Act does

1 say that someone who has been a bad actor cannot get a new
2 permit. They have to be a good actor wherever else they
3 are in Illinois before they are allowed legally to give
4 them a permit. Right now they are applying for a
5 construction permit to modify their limits in Rockford
6 because they refuse to comply with what they agreed to
7 when they built that plant. This is not a good neighbor.

8 The other thing I would say is think about
9 who this company is. They sort of deal in the back rooms.
10 Think about sort of the politics of who this company is.
11 The Sun-Times reported last October that the largest
12 contributor to the Ryan gubernatorial campaign was Gerald
13 Forsythe, who is the CEO for Indeck. He gave a modest
14 \$348,000 to the Ryan administration, to the Ryan
15 gubernatorial campaign. Is this a person, a company, that
16 we want to be building in this community? So I ask as the
17 first question is who are we dealing with.

18 The next question is we have had questions
19 raised about the water permit, what's going on on the
20 water side. We have had questions about what's the impact
21 on the Midewin Tallgrass Prairie. Those are legally
22 required to be in this draft permit. They are supposed to
23 consider alternatives. One of the fundamental
24 requirements of IEPA's responsibility when it's looking at

1 do we grant a permit or not is considering are there
2 better sites. And in this case, this facility will be on
3 a part of the buffer zone designed to protect the prairie.
4 It doesn't need to be there. It could be in another
5 location.

6 We don't know anything about the water
7 impacts. We know it's going to use twice as much water as
8 an IGCC plant as explained earlier we believe. So I guess
9 from that point we would request that we have the water
10 permit, we have the air permit, and there is probably some
11 other permits they have to apply that why isn't this done
12 at the same time so we have an honest accounting of what
13 it means for our community both in terms of the air
14 impact, the water impact, and other permits they have to
15 apply for, so we can lay it out all on the table and
16 determine is this, in fact, in the best interest of the
17 community and those of all living downwind.

18 I guess the last point I would say is there
19 is a rapidly growing coalition of folks opposed to this
20 power plant. The group last night, Trout Unlimited,
21 joined the coalition. They have 2100 members throughout
22 this state, and their big concern is the quality of
23 fisheries. They are concerned about the largest source of
24 mercury pollution that is making our fisheries uneatable,

1 so we can't eat the fish, there is now a statewide
2 advisory throughout Illinois, can be attributed to
3 coal-fired power plants. They are the largest source of
4 mercury throughout the state. It doesn't have to be that
5 way. This is about choices. We can do this a lot
6 cleaner. We can protect our fisheries, and we can make
7 sure we have the power needs and provide the jobs. It
8 doesn't have to be one or the other.

9 So I guess the final point I would make is
10 we know we can do a lot better. There has been a lot of
11 talk about IGCC. Obviously, the plant in Wisconsin is
12 five times cleaner. There are plants in Indiana that are
13 much cleaner if you are going to do IGCC. There is also
14 the new wind farm that's being constructed over in
15 Bloomington that's going to provide enough electricity for
16 400,000 new homes, and it's producing no pollution
17 whatsoever, that will be a good neighbor.

18 There is a gas plant proposed in Chicago, a
19 baseload gas plant under consideration for construction
20 permit right now, good jobs. But they don't produce
21 anywhere near the pollution. They are, in fact, 300 times
22 cleaner than the Elwood plant. So again, it doesn't have
23 to be one or the other. We can build our power needs. We
24 can meet our energy needs, but it doesn't have to be with

1 a dirty coal-fired power plant like Indeck is trying to
2 shove on this community. Thank you.

3 (A round of applause.)

4 (Document marked as Exhibit No. 3
5 for identification, as of 5/22/03.)

6 HEARING OFFICER MERRIMAN: I don't know if I
7 called this name or not. Michael Mullen.

8 MR. MULLEN: Good evening. My name is
9 Michael M. Mullen. I am the president of CenterPoint
10 Properties. We are the developer of the CenterPoint
11 Intermodal Center. I appreciate having the opportunity to
12 speak before the EPA tonight. First to -- I guess for the
13 record I think that CenterPoint is probably the largest
14 redeveloper of brown fields in the State of Illinois, you
15 know, starting with the Arsenal project. I don't know the
16 gentleman's name, but it was mentioned earlier that
17 someone had proposed building the largest landfill in
18 America on this site. When that plan failed, CenterPoint
19 came in and over the next ten years will be investing
20 about a billion dollars in this project.

21 You know, we have delivered what we
22 promised to date. When we came to the Village of Elwood
23 some five years ago and spent about a year working with
24 the town, got our zoning, I believe about four years ago,

1 our zoning allowed for the creation of an industrial park
2 of approximately 15 million square feet of industrial
3 buildings, an intermodal of 621 acres, and a site for a
4 power plant. We are not in the power plant business. We
5 found Indeck to build the power plant, but I think it's
6 important to note we knew this was a viable site for a
7 power plant because the power transmission lines already
8 intersect on this property.

9 You will have to forgive me, but contrary
10 of anything I heard tonight, I'm not aware of any new
11 transmission lines that would be going through the
12 Midewin. Is that true?

13 I didn't think that was true. I think
14 there are a lot of misconceptions being thrown out
15 tonight. You know, I thought it was kind of interesting,
16 I should note that at the beginning of the meeting I think
17 about 30 or 40 members of the pipefitters' union left the
18 meeting to allow other guests to arrive. And you know,
19 the gentleman to my right suggested that the record
20 reflect that some of his guests couldn't come in. Many of
21 the people that came here to support this plant were
22 congenial enough to give up their seats and leave.

23 We have spent the last two years working
24 with Indeck. We have placed many restrictions on this

1 property, as has my client, the Burlington Northern &
2 Santa Fe railroad. At any given time in the parking lot
3 of the Intermodal there will be up to 38,000 new cars
4 sitting in that lot. Indeck needed to come down to Dallas
5 and explain to my client how they would keep those cars
6 clean. They have done that to the BN&S's satisfaction.

7 This plant will be fully enclosed. We want
8 it to physically look good so we want the entire plant
9 wrapped with a skin as opposed to some of the other
10 adjoining industries. We were concerned about fugitive
11 coal dust. Indeck agreed to keep all the coal enclosed in
12 an enclosed building. The entire conveyor system will
13 also be enclosed.

14 I will leave with this note. When we were
15 brought down here and introduced to this property, we were
16 told that the Midewin had their 19,000 acres. And we have
17 been good neighbors to the Midewin. We worked with the
18 Abraham Lincoln Cemetery. I think we have been good
19 neighbors to them. What was left, and I think it's
20 important for people to keep in mind, was 1800 acres of
21 one of the most highly polluted -- People, it was a
22 superfund site. We got the superfund site. And we said
23 we were up to this challenge, and we are investing, you
24 know, a billion dollars of our money in this. We had a

1 grand plan, and the plan included a power plant.

2 We work with the EPA on a regular basis. I
3 have faith in the EPA. I believe that you know what you
4 are doing. I'm not a power plant expert. I believe that
5 you are a power plant expert, and I encourage you to issue
6 this permit. Thank you.

7 (A round of applause.)

8 MR. URBASZEWSKI: I have a question. I have to
9 give the doctor a ride back to his home location, and I
10 will be unable to provide comments. Can I provide written
11 comments?

12 HEARING OFFICER MERRIMAN: You certainly may.
13 Are you on the list?

14 MR. URBASZEWSKI: I am on the list.

15 HEARING OFFICER MERRIMAN: What's your name?

16 MR. URBASZEWSKI: Brian Urbaszewski.

17 MS. DAMITZ: And I would like to do the same,
18 submit written comments.

19 HEARING OFFICER MERRIMAN: Certainly you can
20 submit written comments. And if you want to take five
21 minutes, you can be the next one. I'll bring your card
22 up. I try and go in the order in which they were handed
23 to me, but we will try to accommodate.

24 Do you want to speak?

1 MS. DAMITZ: I will go after this gentleman.

2 MR. URBASZEWSKI: I apologize for taking the
3 time, and I will make my comments very short. I just
4 wanted to reiterate something I said outside earlier.

5 My name is Brian Urbaszewski. I'm the
6 Director of Environmental Health Policy for the American
7 Lung Association of Metropolitan Chicago. We have been
8 around since 1906. We advocate research and treatment and
9 prevention of lung disease and the promotion of clean air
10 so that all of us can breathe.

11 The Chicago area had 22 days last year
12 where the air quality was deemed unhealthy for some
13 population groups. Many of these days were due to high
14 ozone levels or summertime ozone smog. Others were due to
15 high levels of fine particles and on some days the air was
16 unhealthy to breathe because of both.

17 Last year, published and peer-reviewed
18 research by Drs. Jonathan Levy and Jack Spengler
19 calculated the health risks from fine particles, fine
20 particle exposure from nine coal plants in northern
21 Illinois that included the Will County plant and the two
22 Joliet plants here in Will County. They found that the
23 emissions from these plants contributed to a estimated
24 320 premature deaths every year and an extra 21,500 asthma

1 attacks, over 4100 emergency room visits every single
2 year.

3 There is a chart I put together here for
4 three of the plants that were highlighted in that study,
5 two of which are in the City of Chicago, the Crawford and
6 Fisk plants, and one of the plants in Will County, the
7 Joliet plant. You can see the asthma attacks per
8 individual plant range from 1,000 to 1,800 per plant. And
9 the Indeck plant and the emissions that are going to come
10 out of that based on the permit fits squarely between
11 1,000 and 1200.

12 The wind typically blows from the south,
13 the southwest, and then south of Chicago during the
14 summertime. This is especially true on the hottest days
15 of the year, most likely when air conditioner use causes
16 the highest power demand of the year. Since a good
17 portion of the ozone-forming pollution, fine particles,
18 coming out of the proposed Indeck plant would be emitted
19 on the most -- the worst air pollution days in the year,
20 this caustic cloud would move across the biggest
21 population center in Will County, Joliet to the north and
22 across the downwind counties in Du Page, Cook, and Lake,
23 all of which are in the current nonattainment area.

24 The Indeck plant, if built as proposed,

1 would harm the health of millions of people downwind from
2 its location. At a time when cleaner, healthier and
3 affordable ways to produce electricity are available and
4 when medical science is clearly pointing out the scope of
5 the deadly risk from ozone and fine particle pollution,
6 granting a permit to build this plant would be truly
7 irresponsible. Thank you.

8 (A round of applause.)

9 HEARING OFFICER MERRIMAN: Mr. Urbaszewski, do
10 you have a copy of that chart that we can submit to the
11 record.

12 MR. URBASZEWSKI: I do.

13 HEARING OFFICER MERRIMAN: Thank you.

14 (Document marked as Exhibit No. 4
15 for identification, as of 5/22/03.)

16 MS. DAMITZ: Good evening. My name is Maureen
17 Damitz. I am the Chicago Outreach Volunteer Service
18 Coordinator for Allergy & Asthma Network, Mothers of
19 Asthmatics; but more importantly, I am also the parent of
20 two children with asthma. Like many of you, I didn't
21 understand asthma when my children were diagnosed. The
22 first son was 17 years old. My other son is 14, who had
23 severe sudden onset asthma. What this means for Kyle is
24 when he was age seven on an ozone day while he went to

1 school, he was rushed out of the building, taken to the
2 hospital, and laid on the concrete bench out in front of
3 the hospital and could not breathe, could not walk, could
4 not take those life-saving steps to get him in for the
5 help he needed. And if you have never seen a child
6 struggling and not breathing, I don't think you can
7 appreciate this.

8 When you need to consider, and my husband
9 is a union man, thank God for the insurance, Kyle's
10 medical bills ran from the age of birth to the age of nine
11 over \$150,000 a year. Kyle has not been in the hospital
12 for the last seven years. His medical bills are \$75,000 a
13 year. His IV treatments he uses --

14 Excuse me. I'm talking.

15 His IV treatment he uses to maintain his
16 life costs us \$4,000 every three weeks. It's not just
17 costing me, it's costing everyone to maintain this help.
18 I know putting any more pollutants into our air quality
19 when we can't reach attainment now is going to be
20 critical. Chicago is the epicenter. We are ground zero
21 for asthma.

22 Some of our -- Some races in our city are
23 dying at four times the national norms. This should not
24 be happening; and adding more pollutants is going to

1 increase the problem, not decrease it. Thank you.

2 (A round of applause.)

3 HEARING OFFICER MERRIMAN: I will accept these
4 written comments into the record to supplement the oral
5 statement.

6 (Document marked as Exhibit No. 5
7 for identification, as of 5/22/03.)

8 HEARING OFFICER MERRIMAN: Joseph Ward.

9 MR. WARD: Thank you very much. First of all, I
10 would like to welcome all my brothers and sister members
11 from the building trades and also from the operating
12 engineers. I'm am the treasurer of the International
13 Union of Operating Engineers, Local 150. Currently we
14 represent 21,000 members in our organization.

15 I want to begin this evening by saying that
16 there is a lot of people including myself from Joliet that
17 are from out of the area of Elwood. But I used to work in
18 1972 at the arsenal plant. And believe me, the people
19 that are here and if they would have been there at that
20 time, the acid from the T & T lines where it was
21 absolutely unbelievable at many, many times and had it
22 certainly surround the city of Elwood, at that time there
23 was just -- You could hardly even breathe at certain
24 times.

1 MS. BROWN: Thank you for the opportunity to
2 testify. My name is Diane Brown. I'm the Executive
3 Director of the Illinois Public Interest Research Group,
4 Illinois PIRG. Illinois PIRG is a statewide public-
5 interest advocacy organization. I'm here tonight to
6 represent our 15,000 members across the state, and I'm
7 here tonight to urge the IEPA to significantly reduce air
8 pollution from existing coal-fired power plants and to not
9 create additional air pollution by allowing more coal
10 plants to be built in Illinois.

11 Illinois PIRG has three major concerns with
12 the Indeck proposal that I will briefly highlight.
13 Threats to public health, continued reliance on dirty
14 energy sources, and taxpayers paying for pollution. Brian
15 from the American Lung Association of Metropolitan Chicago
16 spoke of the public health impacts in northern Illinois.
17 Statewide coal-fired power plants trigger over 33,000
18 asthma attacks and shorten the lives of over 1700
19 Illinoisans each year.

20 In addition, more than 2 million Illinois
21 children live within 30 miles of a coal-fired power plant.
22 Mercury, toxic mercury contaminates the fish we eat and
23 carbon dioxide contributes to global warming. The
24 proposed Indeck coal plant would increase these public

1 health impacts.

2 Second, continued reliance on dirty energy
3 sources. Almost half of Illinois's energy mix is
4 comprised of coal. Illinois currently uses less than one
5 percent of renewable sources of energy such as wind and
6 solar power. Renewable energy sources produce virtually
7 no pollution, have grown ever more practical, are less
8 susceptible to market fluctuations, and get cheaper the
9 longer they are used.

10 I would also point out that renewable
11 energy sources create jobs and benefit local economy. The
12 proposed Indeck plant would instead increase Illinois'
13 reliance on dirty energy sources.

14 And lastly, taxpayers paying for pollution.
15 Every year the federal government spends billions of
16 dollars to subsidize the use and production of polluting
17 forms of energy. Since 1984, Congress has allocated more
18 than \$1.8 billion in federal subsidies to the coal
19 industry through the Clean Coal Technology Program.
20 So-called clean coal projects waste millions of taxpayer
21 dollars each year and duplicative research that the coal
22 industry conducts with private sector funding or that has
23 already been done. No program has ever demonstrated coal
24 to be anything other than a threat to public and

1 environmental health and a waste of taxpayer money.

2 The proposed Indeck coal plant would
3 continue this national trend by taking \$50 million in
4 subsidies to build this coal plant and to impact public
5 health. Illinois PIRG believes increased threats to
6 public health, the continued reliance on dirty energy
7 sources, and taxpayers paying for pollution, are reasons
8 to reject the Indeck coal plant proposal.

9 The citizens of Illinois, the citizens of
10 Elwood, deserve less, not more, air pollution, asthma
11 attacks, and dirty power. Illinois PIRG urges the
12 Illinois Environmental Protection Agency to say no to
13 Indeck's proposed coal plants to significantly reduce
14 pollution from the current coal-fired power plants in
15 Illinois and to move us toward a cleaner energy future.
16 Thank you.

17 (Document marked as Exhibit No. 6
18 for identification, as of 5/22/03.)

19 HEARING OFFICER MERRIMAN: It appears there are
20 a few seats that have opened here in the front. If there
21 are some people standing outside, who would like to come
22 in and sit down, if that's possible.

23 James Saul.

24 MR. SAUL: James A. Saul. I live in Park

1 Forest, Illinois. My lungs are mere testimony to living
2 in a polluted environment for 17 years of my life; this
3 was Franklin County almost 300 miles south, epic coal mine
4 area. The thickest coal mine -- soft coal vein ever found
5 was near my home. We heated with coal. We cooked with
6 coal. We breathed that filth. It smelled like rotten
7 eggs from the sulfur content.

8 So I was fortunate enough to move north
9 near Chicago and work in the publishing industry but still
10 breathing bad air and developing severe asthma. I can no
11 longer do any kind of heavy work. And I live downwind
12 from this proposed plant. I have heard of the lies this
13 company has told about its plants that it does not
14 fulfill, and I don't believe a word they say. Please say
15 no.

16 (A round of applause.)

17 HEARING OFFICER MERRIMAN: Verena Owen.

18 MS. OWEN: Good evening. My name is Verena
19 Owen. I'm with the Lake County Conservation Alliance.
20 And with your permission, I will skip over our list of
21 credentials to expedite this a little bit. I think I have
22 a huge advantage over everybody in the room with the
23 exception of Mr. Romaine. I have also been to an NSR
24 hearing, and I have been to a hearing with Indeck, so I am

1 a little more experienced.

2 Briefly talk about NSR. If you apply for
3 an NSR permit like Indeck did, you have to show Least
4 Achievable Emission Rate, or LAER, emission offsets,
5 analysis of alternatives, and proof of compliance. And
6 Mr. Nilles has already spoken a little bit of the proof of
7 compliance problem that Indeck has. Indeck basically
8 violated a standard condition of their construction permit
9 and their excuse was that the construction permit is
10 ambiguous regarding PM. And I'm really not one to defend
11 the permit of the Agency, but I did read it and there is
12 absolutely nothing ambiguous about it.

13 Indeck also did not disclose that it is a
14 part partner in the Agri-Energy, L.L.C., development.
15 There seems to be evidence that Agri-Energy started
16 construction without a permit. I have a press release in
17 the Diversified Farmer, which I would like to put into the
18 record later. Interesting enough, while this
19 investigation was going on, IEPA thought it fit to issue
20 them a final permit, and I don't know why.

21 As to the analysis of alternatives, I can
22 do better to compare and contrast with the SEV, other NSR
23 permits. SEV tried to make a case for the location and
24 the size of their facility. Why did they try to make a

1 case? Because the Clean Air Act says, "A permit may be
2 issued if the Agency determines that an analysis of
3 alternative sites, sizes, production processes, and
4 environmental control techniques demonstrate that the
5 benefits of the proposed source significantly outweigh the
6 environmental and social cost imposed as a result of its
7 location, construction, or modification."

8 There is nothing at all in Indeck's
9 application that discusses the size or the location for
10 this plant. This application is incomplete, and I don't
11 know why we are having this hearing.

12 As to the site, there is really nothing
13 unique about this location. And it was suggested by
14 several people in the audience to put it somewhere else.
15 And actually, they could. It might actually be a better
16 location somewhere else. But there are issues with this
17 location that make it actually a lot less suitable for a
18 coal plant. And it's no wonder that Indeck did not
19 analyze the location.

20 There is an interesting IEPA response about
21 the Standard Energy Venture's hearing about the subject of
22 location, size, and production processes. And I'm quoting
23 Mr. Romaine. This is from the transcript. "I would
24 certainly encourage written comments to be submitted on

1 that topic as well as encouraging those comments to
2 address what is the appropriate scope of the review of
3 those aspects of project."

4 Now, I said before that SEV actually tried
5 to address all these mandates in the Clean Air Act; and it
6 is clear that the scope for Indeck is even less than SEV.
7 And I didn't think SEV was all that good.

8 I'm skipping over things to save time. The
9 Clean Air Act also provides that the Agency has to
10 consider all consequences, all consequences, from a
11 decision to increase the air pollution; and that has to
12 include in my view the basic determination if a facility
13 is needed or not needed. Indeck has not submitted any
14 arguments whatsoever why the plant is needed, where it
15 wants it built, or what size is appropriate.

16 And when we talk about all consequences, I
17 need to talk about water use. Indeck -- Would you ask
18 them where the water is coming from they plan to use for
19 this plant?

20 HEARING OFFICER MERRIMAN: We will have a --
21 Yes, I guess.

22 MR. ROMAINE: Yes.

23 HEARING OFFICER MERRIMAN: Sure.

24 Mr. Thompson, would you like to address

1 that?

2 MR. JIM THOMPSON: I would be happy to.

3 MS. OWEN: He does not have to answer. He
4 chooses to answer it's my understanding.

5 MR. JIM THOMPSON: Again, this is an air
6 hearing; but we are happy to tell you that the water for
7 the plant will come from the Des Plaines River and from
8 deep wells.

9 MALE VOICE: What?

10 MR. JIM THOMPSON: The discharge from the plant
11 will go to the Village of Elwood treatment plant.

12 MS. OWEN: Okay. I will submit two documents
13 into the record. One is called "The Water Supply
14 Management Options for Northwestern Illinois" and the
15 other one is "A Strategic Plan For Water Resources
16 Management." This was a report done by NIPC. Both talk
17 extensively about the deep aquifer.

18 And I will quote, "Inland suburbs meet
19 water needs by tapping into the aquifer. Kane, Mc Henry,
20 Will, and West Lake, and Northwestern Cook. The deep
21 aquifer that is in use is the Cambrian-Ordovician aquifer,
22 studies show it has a sustainable yield of 65 million
23 gallons a day and is already overdrawn according to the
24 strategic plan at 70.5 million gallons a day. And the

1 plan notes that practical sustained yield is actually
2 closer to 46 million gallons a day."

3 On page 51, "The deep bedrock aquifer
4 cannot be relied on as a sustainable source of additional
5 water to accommodate future demands as well as water
6 shortages are predicted in Will County and in DuPage and
7 Joliet townships." This is obviously a huge impact, an
8 impact the Agency will have to address.

9 This application frequently touts that this
10 proposal, and we heard it again from Indeck tonight, is a
11 clean coal project as recognized by the Department of
12 Energy. Frankly, I don't give a hoot. The Department of
13 Energy also defines peaker plants. It defines peaker
14 plants as a facility that runs 1500 hours. Now, IEPA has
15 issued peaker plant permits, for instance, for Zion Energy
16 at 11,500 and SEV would have run 64,400 hours a year. It
17 is obvious that they are looking at two very different
18 values, and I don't care what the Department of Energy
19 calls this, this is not clean coal.

20 I have a lot of issues with the statements
21 in the project summary. But to save time I will skip over
22 a few, except the use --

23 MALE VOICE: Might as well.

24 MS. OWEN: I thought you wanted to hear what the

1 other side had to say.

2 MALE VOICE: You have a five-minute limit so --

3 (Audience discussion outside

4 the record.)

5 HEARING OFFICER MERRIMAN: Excuse me. I would
6 ask, first off, that we extend every courtesy to the
7 speaker. And we have done that to all the other speakers,
8 I would ask that you do the same for Ms. Owen.

9 Also, we cannot have more than one speaking
10 at a time because the court reporter is trying to take
11 down what is going on at this proceeding. So, please, I
12 would ask that you refrain your comments, restrain your
13 comments. Thank you.

14 MS. OWEN: Thank you, sir. If you think my time
15 is up, would you let me know? I would be more than happy
16 to sit down and wait, but I think I have another two or
17 three minutes.

18 HEARING OFFICER MERRIMAN: I would suggest that
19 because of the interruption you would have another two or
20 three minutes. And I would also remind you that you have
21 the opportunity to submit written comments, and we will
22 take those into consideration as well.

23 MS. OWEN: Thank you. About the use of Illinois
24 coal, there is nothing in the permit that would limit

1 Indeck to the use of Illinois coal. Indeed, even Indeck
2 states that it would burn Illinois coal in general. As a
3 matter of fact, the permit says, "The permittee is
4 authorized to use fuel from different suppliers in the
5 boilers without prior notification to IEPA or with
6 revision of its permit."

7 And the project summary says, "Energy
8 conservation and alternate power sources do not address
9 the need for the new power generation." Excuse me here,
10 IEPA. This is your project summary. Since when are you
11 talking about need? Every time I come to a power plant
12 hearing, you tell me you are not addressing need. It also
13 says, "Power plants are located near users." So does IEPA
14 know where they are selling the energy since this is in
15 your project summary?

16 A PSD permit also has to consider BACT.
17 Now, BACT is Best Available Control Technology. And if a
18 source is PSD for one pollutant, it has to check if other
19 pollutants are also above the threshold. And except for
20 the criteria pollutants addressed, Indeck has also
21 identified emission limits for sulfuric acid mist,
22 beryllium, fluoride, and mercury to be above PSD threshold
23 and they need to use BACT. And only mercury and beryllium
24 are addressed in their permit application in their permit.

1 And I will skip over some of the comments.

2 You can read them. You are more than
3 welcome to find my comments on the Agency because I will
4 submit them in writing, unless you want to give me another
5 five minutes, I would be more than happy to --

6 (Audience discussion outside the
7 record.)

8 MR. OWEN: I didn't think so. You can't have
9 both. You guys either let me talk or you don't let me
10 talk, but don't --

11 (Audience discussion outside the
12 record.)

13 MS. OWEN: The scrubber cost analysis is flawed.
14 I ask that the analysis from Dr. Phyllis Fox that I have
15 submitted twice to the Agency now would be made part of
16 this record by cross reference.

17 And there is problems in the application on
18 the list of all known CFB boilers permitted in 1995, which
19 is absolutely untrue because on the Internet I found about
20 six more. This is all a very sloppy and misleading
21 application. I don't understand why we are having a
22 hearing.

23 And Indeck has a less than stellar record
24 when it comes to actually following through with the

1 permit and actually constructing the power plant. We
2 mentioned Libertyville. Should we mention Round Lake?
3 Should we mention all the other towns where they came, got
4 a permit, got a hearing, and then they went away? Thank
5 you.

6 In closing --

7 (Audience discussion outside the
8 record.)

9 MS. OWEN: Allow me 30 seconds.

10 HEARING OFFICER MERRIMAN: We will allow
11 40 seconds.

12 MS. OWEN: I'm so glad you find this amusing
13 because you won't in a while. Okay.

14 HEARING OFFICER MERRIMAN: We'll allow 40
15 seconds.

16 MS. OWEN: Okay. Thank you. In closing, the
17 application is arrogant, sloppy, incomplete. Indeck
18 dodged all the hard questions and should neither get a
19 permit or \$50 million. Thank you.

20 (A round of applause.)

21 (Documents marked as Exhibit Nos. 7-1,
22 7-2 and 7-3 for identification, as of
23 5/22/03.)

24 HEARING OFFICER MERRIMAN: At this point I have

1 six more cards plus the names of some of the people that I
2 called earlier who were outside at the time. So we could
3 take a break now if you like or keep going.

4 (Audience discussion outside the
5 record.)

6 HEARING OFFICER MERRIMAN: All right. We're
7 going to go ahead then with Ben Kosiek.

8 Please can we have some order then.

9 MR. KOSIEK: Thank you, Hearing Officer. I
10 appreciate the opportunity to stand here and in favor of
11 Indeck's proposal of the coal-fired baseload powerhouse
12 that they are proposing to build on the Arsenal property.
13 I just want to --

14 I just have a couple of questions to ask
15 some of the proponents who, you know, who have posed, and
16 maybe I can answer, help to answer some of those, and a
17 few comments. You know, we have heard a lot from the lung
18 association out here and people who have asthma, a very
19 serious illness in this country. I don't think that we
20 can blame coal-powered generation for all of the
21 pollutants that are causing the problem with asthma. We
22 live in the third largest city in the world -- in the
23 United States with enough automobile and truck traffic
24 alone to create problems beyond recognition. So to try to

1 label the coal industry in this country as a problem, that
2 they are generating more pollutants, I think it's a little
3 bit unfair.

4 The next item that I would like to address
5 is that the previous power plants in this area, the last
6 constructed power plant in this area, was completed in
7 1964. Okay. That's technology that was 40 plus years
8 old. Now, if we are not going to move forward with our
9 technology and move forward with the pollution and the
10 proposals that we have here, then maybe we should all go
11 back to driving horses and buggies, you know, to ease the
12 pollution and everything else.

13 We have to continue to move forward. We
14 have to look at the proposals that are here. We have to
15 look at the newer technologies that are here. But we
16 don't have to invest taxpayers' money in technology that
17 is not proven such as the ISG. You know, you can't take
18 that technology, put it into a baseload-designed plant to
19 provide power for an industry and a community, okay, that
20 needs that power now.

21 Those power plants that this will
22 eventually replace, like I said, the newest one is
23 40 years old. There are others that are more -- that are
24 a lot older than that and that are operating out there on

1 a day-to-day basis.

2 The other item that I would like to comment
3 on is Indeck's involvement in the community. As a
4 business agent for Boilermakers Local 1 and being involved
5 with the Aurora project, the gas peaker project that they
6 have built out there, and their response to the community,
7 they have bermed the entire property so as to lessen the
8 view of what was seen out there from the roadway. Inside
9 the parking lots where they had the construction parking
10 lots, Indeck built baseball fields, donated the property
11 to build baseball fields for the children.

12 Now, that berm not only provides protection
13 for those children playing those games; but it also helps
14 to shield the view of that. I think Indeck tries with
15 every effort that they can to be a good neighbor and to do
16 the right things.

17 Lastly, and we have had people make
18 comments here from the Sierra Club that the proposal of a
19 gas turbine in the City of Chicago is going to be the
20 cleanest or cleaner, 300 -- I think it was -- and I won't
21 quote this -- I think they said 300 times cleaner or 5
22 times cleaner or whatever it is. But yet they turn around
23 and they cite the Rockford plant, which is a gas-fired
24 peaker, as not being a clean plant.

1 Now, I don't know which they are -- I
2 don't know which they are saying it is. Is it clean or
3 isn't it clean? You know, I'm not sure that they know
4 whether one is cleaner or whether one is not clean. So I
5 would behoove that we place trust and judgment in the
6 Illinois EPA to grant the license for this plant because
7 they are the professionals. They are the people who know
8 what the regulations are and who know what the pollutants
9 are that are going to be coming out of this plant. I
10 implore you to provide a license for this facility, and I
11 appreciate your time for letting me speak.

12 (A round of applause.)

13 MR. ROMAIN: Thank you. I just want to clarify
14 one point. The facility that was referred to in Aurora is
15 actually operated by Reliant. It is not an Indeck
16 facility.

17 FEMALE VOICE: Thank you.

18 HEARING OFFICER MERRIMAN: Anna Saul. Is there
19 an Anna Saul?

20 MS. SAUL: My name is Anna Saul. I live in
21 Park Forest, Illinois, for 50 years now. But I was born
22 and grew up in Steger, Illinois, down in the southern part
23 of the state where all the coal mines are. My father was
24 a coal miner. He worked during the winter when the coal

1 was needed. And in the summertime, he did not have any
2 work.

3 The three schools where I went to school
4 have all been torn down because of mine subsidence. Some
5 of the homes there, if you go into them, you have to take
6 a step down because the mines have settled and the houses
7 have settled. I am concerned because, although there is a
8 lot of coal in southern Illinois yet, it's not the kind of
9 coal that you can use without having all the ugly parts of
10 it, the dark dust and so on, because it's soft coal.

11 I am also concerned about the emissions
12 from this plant that you are planning to build. That's
13 going to affect maybe not only the local community but the
14 wind is going to take it wherever. And those people can't
15 do anything about it or they can't speak against this
16 here. So I would urge you to find something that will
17 provide the jobs, because I know that's important, but
18 also something that will not contaminate our environment.

19 (A round of applause.)

20 HEARING OFFICER MERRIMAN: Jacob Williams.

21 MR. WILLIAMS: Jacob Williams. I am
22 representing myself. I am in the energy industry, though.
23 A few things just to lay out some basic facts for
24 everyone. When you hear this debate, you would think that

1 you can't have affordable energy and clean air, they are
2 mutually exclusive. The facts are you can.

3 New coal technology can allow us to burn
4 coal much cleaner and still be affordable energy. The air
5 is cleaner today than it was 30 years ago. Sometimes we
6 lose that in the debate. And yet, we are burning 173
7 percent more coal today than we did 30 years ago. And
8 yet, the air is cleaner. We are emitting less even though
9 we are using more.

10 I lived in Springfield, Illinois, most of
11 my young life, just a mile away from the coal plant. And
12 I can tell you today I go back there and it's so much
13 cleaner because the technology has come a long way.
14 That's not even the technology they are going to employ at
15 this plant, which is far better than what's in the
16 existing plant. It's probably about 60 to 80 percent
17 better or cleaner than the existing plants out there.

18 This is the next step in technology.
19 Technology goes a step at a time. You -- And some want
20 even better technology be employed. Well, that's a bit
21 like asking someone to say, "Look, I have got a car here
22 and for the last three years it hasn't run really well.
23 In the fourth year, I finally figured out how to run it
24 pretty well, so you ought to go buy a fleet of them right

1 now because after one year you think it might run pretty
2 well." It's not a smart thing to do. You wait until
3 technology is mature. Gasification will be the future.
4 It is not here today. It will be eventually.

5 You also have to remember gasification
6 plants, they were 20 percent funded by the government. No
7 one has commercially built one on their own nickel and
8 made any sense. Yet, we hope that it will eventually
9 happen, though. The power plant itself will meet the
10 federal requirements for air standards going forward.

11 Now, what about low cost energy because
12 that's really important, too. This plant helps provide
13 it. Everyone has to remember, the reason we have
14 affordable electricity in this country is because of the
15 coal plants. Were it not for the coal plants, our
16 electricity would not be affordable. If you think about
17 it, states that get less than 33 percent of their
18 electricity from coal plants pay 60 percent more for their
19 electricity than states that get 66 percent or more of
20 their electricity from coal plants. It's very simple.

21 You cannot in the economics say we cannot
22 rely on natural gas to meet all our energy needs going
23 forward. There is not enough of them. All you have to do
24 is look at the price of gas. It has doubled in the last

1 year from what it was a year ago. Your home heating bills
2 this next year will be 50 to 75 percent higher than they
3 were last year simply because the price of gas is going
4 up. We are running out of low cost gas in this country.
5 It is an economic argument. And if you take those dollars
6 out of peoples' pockets, they can't pay medical bills and
7 all these other things. So low cost energy is important
8 so that you can put those dollars that would have been in
9 the energy bill and put them into other things like
10 insurance and medical bills.

11 Finally, you have to understand the United
12 States is also an importer of natural gas. And over the
13 next 10 to 20 years, we will become an even larger
14 importer of natural gas. And guess where it's going to
15 come from, essentially the OPEC countries. So we are
16 going to trade off one form of importing oil for another,
17 which is importing natural gas.

18 And if you think about how it's going to
19 come to this country, it's going to come in what's called
20 LNG terminals, liquid natural gas terminals. These are
21 very -- Permitting them is quite a difficult thing
22 because essentially it's the largest bomb in the United
23 States, one of those tankers, if they ever were actually
24 breached. We don't think that will happen but the fact is

1 it is there.

2 And finally, a project like this can
3 provide affordable energy in this country. It can clean
4 the air up at the same time. It can allow new power
5 plants to come in that will allow the older, dirtier,
6 inefficient plants to eventually go away so we can clean
7 the air. And it will help the local economy with jobs,
8 and it will also decouple us from the OPEC countries.
9 Thank you very much.

10 (A round of applause.)

11 HEARING OFFICER MERRIMAN: Carol Stark.

12 MS. STARK: Hello. I'm Carol Stark. I'm with
13 the CARE group in Lockport, Illinois. And I have been
14 asked to read written comments that were provided to me by
15 Laurel O'Sullivan of the Lake Michigan Federation.

16 The Lake Michigan Federation opposes the
17 permit for this facility. At a time when Lake Michigan is
18 already overburdened with mercury, and when women and
19 children are restricted from eating fish from the lake,
20 the region cannot afford another new source of mercury.

21 Mercury is a potent neurotoxin that poses
22 serious harm to the human brain and to reproductive health
23 and wildlife in tiny amounts. As a result, the safe level
24 for people and wildlife is extremely low. At the same

1 time, commonly found levels of mercury in water and fish
2 in the Great Lakes region range between two to ten times
3 higher than the levels the EPA consider to be safe.

4 Illinois' mercury air emissions remain
5 high. According to the Great Lakes Regional Air Toxic
6 Inventory in 1999, it is estimated that 86 percent of
7 Illinois' mercury emissions came from coal combustion.

8 Mercury is also dangerous because it
9 persists in the environment forever. In its organic form,
10 methylmercury biocumulates up the food chain. Top
11 predator fish such as salmon, lake trout, or walleye, can
12 have mercury concentrations over one million times higher
13 than the levels in the surrounding water. The annual
14 addition of just 1/70th -- That's
15 one-slash-seven-zero-t-h, 1/70th, of a teaspoon is enough
16 to contaminate a 25-acre lake to the point that the fish
17 in the lake are unsafe to eat.

18 In light of all we know about mercury, this
19 facility just does not make sense.

20 Concern about the impact of mercury on Lake
21 Michigan recently led to the defeat of another proposed
22 new source of mercury to the region, a sewage sludge
23 incinerator on the shores of Lake Michigan in Waukegan,
24 Illinois. The community of Waukegan and environmental

1 groups expressed serious concerns about the human health
2 impacts from the facility and the 92 pounds of mercury it
3 would have been permitted to emit. By comparison, this
4 facility will be permitted to emit nearly twice as much.
5 Even though Elwood, Illinois, is farther from the lake,
6 recent studies show us that sources further inland also
7 contribute to the mercury problem in Lake Michigan.
8 According to computer modeling estimates by a scientist at
9 the National Oceanic and Atmospheric Association, 42
10 percent of mercury deposition to the lake comes from air
11 sources within 60 miles of the lake, 50 percent comes from
12 sources within 120 miles, 68 percent come from sources
13 within 240 miles, 82 percent come from mercury sources
14 within 420 miles. This is also drawn from the Atmospheric
15 Transport and Deposition of Mercury to the Great Lakes.

16 In an effort to cover all its bases, the
17 IEPA has adopted a kitchen sink-like approach to the
18 mercury provision in this permit, that makes it nearly
19 impossible for the public to comment intelligently and
20 effectively leaves doing nothing as an option for the
21 permittee. When it comes to a potent neurotoxin like
22 mercury, providing choices should not be an option.
23 Option E on page 12 is particularly troubling because it
24 is contingent upon the USEPA adopting regulations, an

1 action that could take years to occur. The provision
2 provides no default for the federal agencies failure to
3 act. Likewise the reference to periodic testing for
4 demonstrating compliance is unacceptable for protecting
5 public health. Mercury monitoring should be explicit and
6 regular. Given the depth of our knowledge of the impacts
7 of mercury on human health and the proximity of this plant
8 to Lake Michigan, the permit should be written with a
9 requirement of adhering to BACT. The permit for the
10 sewage sludge facility that I referenced earlier has
11 expired. Recognizing the tremendous uphill battle it
12 faces in public concerns about mercury, the permittee has
13 agreed to install mercury control technology that will
14 reduce its mercury emissions by nearly 95 percent. This
15 same level of control should be required as a precursor
16 for a building permit, not simply listed as one part of a
17 laundry list of options. Thank you.

18 (A round of applause.)

19 (Document marked as Exhibit No. 8
20 for identification, as of 5/22/03.)

21 HEARING OFFICER MERRIMAN: Gerald Heinrich.

22 MR. HEINRICH: Good evening. My name is
23 Jerald W. Heinrich, Jerry Heinrich. I live in Wesley
24 Township, next to Wilmington. I am vice president of

1 Midewin Tallgrass Prairie Alliance, and that's who I'm
2 representing here tonight. Before I start, I just wanted
3 to point out one thing. You saw these signs coming in.
4 No coal does not necessarily mean no power plant. We have
5 an issue and we want to represent that tonight.

6 The Alliance was formed in 1994 and
7 dedicated to advocating on behalf of Midewin National
8 Tallgrass Prairie. The Alliance has a long history of
9 working cooperative with citizens, municipalities,
10 business community of Will County, and is dedicated to
11 preserving a part of Illinois' prairie heritage.

12 Having served as a representative on the
13 24-member Joliet Arsenal Citizens Planning Commission, I
14 and the Alliance are deeply distressed at Indeck's
15 proposal to develop a large coal-fired power plant at the
16 former Joliet Arsenal. As proposed, the Indeck facility
17 would unnecessarily emit literally tons of sulfur, NOx,
18 particulates, and ozone destroying pollutants into the
19 breathing air of Will County and greater Chicagoland. As
20 proposed, the Indeck coal storage complex would be sited
21 at a location immediately adjacent to the U.S. Forest
22 Service Midewin National Tallgrass Prairie and Drummond
23 Dolomite Prairie, an extremely rare and fragile ecosystem.
24 The massive coal storage facility would pave over an area

1 that was to serve as a buffer area between Deer Run
2 Industrial Park and Midewin and would be located in a rare
3 area that has wetlands and serves as a vital groundwater
4 recharge area for the Dolomite Prairie. Most importantly,
5 the coal storage facility would impose on the rights of
6 Midewin visitors, educators, researchers, to enjoy Midewin
7 as intended under federal law entitled the Illinois
8 Conservation Act of 1995.

9 While it was understood that a power plant
10 might be developed at Deer Run Industrial Park, it was
11 publicly provided that the facility would burn natural gas
12 and not oil or coal. The proposal for a coal burning
13 facility came as a total surprise to us. A Joliet Army
14 Ammunition Plant Executive Summary of the Preliminary
15 Redevelopment Plan prepared for the Joliet Arsenal Citizen
16 Planning Commission, and dated November 30, 1995, provides
17 that the area where Indeck is proposing to develop a cold
18 storage facility remain a nondevelopment zone or buffer
19 zone. At a Village of Elwood Planning Commission meeting
20 held on January 25, 2000, a representative I believe of
21 CenterPoint provided that a proposed electrical generating
22 facility would be clean and gas burning. At a second
23 Planning Commission meeting held on February 8, 2000, it
24 was again provided that the proposed generation facility

1 would burn natural gas and not coal or oil.

2 It is totally wrong to suggest that votes,
3 jobs, and dollars are excuses for dirtying our air and
4 ruining Midewin National Tallgrass Prairie. It is wrong
5 for the State of Illinois to give Indeck preferential
6 treatment and a \$50 million company to build a less than
7 state-of-the-art coal-fired power plant in an area that is
8 designated as an ozone nonattainment area.

9 A natural gas-fired plant would be much
10 cleaner than a coal-fired plant. A gas-fired plant would
11 not require construction of a massive coal facility, coal
12 storage facility in a designated buffer area between Deer
13 Run Industrial Park and Midewin National Tallgrass
14 Prairie. A gas-fired plant would not affect wetlands and
15 the Dolomite Prairie groundwater recharge area.

16 The Alliance is not opposed to power
17 generation facilities in general, but the Alliance is
18 vehemently against Indeck's proposal to construct a
19 coal-fired power plant immediately adjacent to Midewin
20 National Tallgrass Prairie, the nation's first and only
21 national tallgrass prairie located east of the Mississippi
22 River.

23 We ask the IEPA to deny Indeck's
24 application for an air construction permit. Thank you.

1 (A round of applause.)

2 (Document marked as Exhibit No. 9

3 for identification, as of 5/22/03.)

4 HEARING OFFICER MERRIMAN: Thank you. Before I
5 call the next person, I would like to read seven names of
6 seven cards that I called earlier when people were outside
7 to see if any of those people are here and still wish to
8 speak.

9 Daniel Mooney. If I call your name and
10 it's you, would you please raise your hand and indicate
11 whether you wish to speak. Daniel Mooney.

12 Wes Winkler.

13 MALE VOICE: He was here.

14 HEARING OFFICER MERRIMAN: David Joseffer.

15 Dorothy Fisch. Andy Neill. Mark
16 Jacklich. George Simac. Ashley Collins.

17 MS. COLLINS: Hi. My name is Ashley Collins,
18 and I'm the Environmental Director of Citizen
19 Action/Illinois. On behalf of Citizen Action/Illinois,
20 which is the state's largest public interest group in
21 Illinois, I want to thank the Illinois Environmental
22 Protection Agency for the opportunity to testify here
23 today.

24 Citizen Action/Illinois has serious

1 concerns regarding Indeck Energy Corporation's proposal to
2 build a 660-megawatt plant in Elwood, Illinois. First of
3 all, Indeck's proposal would add a substantial amount of
4 pollution to the air where air quality is already a
5 serious problem in Illinois. Currently, over 70 percent
6 of Illinois residents live in counties that violate
7 federal health standards. From the aggravation of
8 respiratory problems such as asthma to emphysema to
9 premature death, air pollution continues to take its toll
10 on our children, elders, and sensitive populations.

11 Besides increasing pollution, Citizen
12 Action/Illinois is concerned that Indeck's proposal will
13 not utilize the best available clean coal technology.
14 Commercially available technology, such as Integrated
15 Gasification Combined Cycle technology can provide large-
16 scale sources of power with substantially lower pollutant
17 emissions than a new conventional coal plant. This
18 technology has the potential to open markets in Illinois
19 and create jobs while making dramatic cuts in carbon
20 dioxide, smog-forming nitrogen oxide, sulfur dioxide, and
21 toxic metals.

22 Indeck's power generation is also not
23 needed. Illinois has sufficient amounts of electricity.
24 In May 2002, ComEd told the Illinois Commerce Commission

1 that the electric supply in Illinois is plentiful. ComEd
2 also noted that they acquire enough generating resources
3 to serve customers in the ComEd service territory in
4 excess of 26,000 megawatts. Generating plants are being
5 shut down because of overcapacity. Last year Midwest
6 Generation shut down two power generating units in its
7 Will County Station due to the decline in the wholesale
8 market demand for electricity. Thus, one has to wonder,
9 does the EPA need to approve a permit for a large plant
10 when others are being halted or shut down?

11 Furthermore, it is unacceptable for the
12 State of Illinois to dole out \$50 million in subsidies to
13 a plant that is not needed at a time when Illinois is
14 dealing with a \$5 billion deficit. At a time when the
15 state is cutting funds for critical social services, our
16 state should not hand out subsidies -- should not give out
17 handouts to subsidize asthma and other health problems.

18 In examining the Indeck Energy Corporation's
19 power plant proposal, we urge the Illinois EPA to fully
20 examine our concerns. In addition, we urge the Illinois
21 EPA to be forward looking in their electrical generation
22 planning, and utilize the best available clean coal
23 technology and clean energy sources such as wind, solar,
24 and biomass, to power tomorrow's future. Thank you.

1 (Document marked as Exhibit No. 10
2 for identification, as of 5/22/03.)

3 HEARING OFFICER MERRIMAN: Ladies and gentlemen,
4 I have gone through all of the cards that were presented
5 to me of individuals who checked that they desired to
6 speak or had questions.

7 Is there anyone else here present who did
8 not get called on and who would like to do so? All right.
9 Thank you. We will start here and take this gentleman and
10 then this gentleman over here.

11 MR. MEYERS: Thank you for having us here
12 tonight. My name is William Meyers. I'm a pipefitter. I
13 live in Tinley Park, Illinois. I'm not going to sit here
14 and present you some statistics and press releases that
15 people don't even understand. I'm going to speak from the
16 heart and personal experiences. I have worked in this
17 area as a pipefitter and a welder for 25 years. I worked
18 in six coal-fired power plants in the Chicagoland area,
19 and I don't remember any of them ever being shut down for
20 air pollutants.

21 I believe this new and latest technology
22 with better filtering systems will not emit pollutants
23 higher than the allowable limits. And the main thing, it
24 will help the economic situation in this area. I don't

1 think Buffalo Grove needs a power plant, as last I
2 remember people in Buffalo Grove work in Chicago and the
3 Lake County area. This area needs a shot in the arm and
4 so do the coal mines down in southern Illinois. I would
5 like to see this thing pass. Thank you.

6 (A round of applause.)

7 HEARING OFFICER MERRIMAN: And this gentleman
8 over here.

9 MR. SCHEER: My name is Jim Scheer. And I don't
10 know where the hell to move, that's my problem, after
11 listening to how bad the environment is. I just don't
12 know where to go.

13 But anyway, we have a farm. And we have
14 had it for 38 years at the closest point to where this
15 power plant is going to be built on the west side of the
16 Arsenal. We have lived through the Arsenal with all the
17 smoke coming out there, all the stuff that would come down
18 Grant Creek. We used to call it Red Water Creek. We
19 lived -- Mobil has had some problems. We get a lot of
20 stuff from Mobil. My son is raising four kids there. And
21 we have 8 children, and we have 23 grandchildren. And we
22 are all pretty healthy.

23 So I sort of like to think that you guys,
24 the EPA, are going to make a plan that we are going to be

1 able to live with; and the guy that's going to build the
2 thing and have to get it financed is going to do it also.
3 And so I think that we can rely upon all of you to do this
4 thing and do it just right. And I ain't going to sell the
5 damn farm, and my health is pretty good. Thank you.

6 (A round of applause.)

7 MR. SCHEER: I would like to say one more
8 because I didn't get my five minutes up yet. CenterPoint
9 Properties and the railroad, you know, when that thing
10 originally came about, I was the only objector to it. The
11 Sierra Club didn't object to it. Openlands didn't object
12 to it. Jim Scheer, I was the lone wolf. I said, Let the
13 guy build the damn landfill, that would be the best thing
14 Will County ever had. Then we wouldn't even be up here
15 talking if all these good people would have let them build
16 a landfill there, we really wouldn't. Now, the forest
17 service has come in adjoining our property and has cut
18 about 5,000 trees to show our farm, so our farm can see
19 this nice railroad yard, so we can see this new power
20 plant, so we can see where the soil is being treated.
21 That's what the forest service has done to me.

22 And incidentally, Mike Mullen, when this
23 whole thing came about, when they needed a land swap so
24 they get rail access for the railroad, you know, that Mike

1 had a nice rail yard but he didn't have rail access, you
2 know. He had to trade some land with somebody. He traded
3 with the forest service. So I looked at the trade and I
4 said, "That ain't fair." Well, Mike says it's fair, Frank
5 Kenny of the forest service says it's fair. And I says,
6 "Yeah, Mike Mullen, it might be fair; but I don't think
7 it's fair, and I'm going to hold your project up in court
8 for two years unless you give Midewin some more land," not
9 Jim Scheer but Midewin. He gave Midewin 50 or 60 more
10 acres of land. That's what CenterPoint Properties did.
11 Thank you.

12 (A round of applause.)

13 HEARING OFFICER MERRIMAN: Okay. This gentleman
14 over here.

15 MR. TACKER: My name is Tim Tacker. I'm here
16 representing the Will County Green Party. I would like to
17 go on record on behalf of the Will County Green Party in
18 opposition to this plant. I first want to say that thank
19 you, everyone, that came out on both sides of the issue.
20 This is truly grassroots democracy in action, and it's
21 what makes our process work. So we do need to hear both
22 sides of the issue.

23 As far as coal is concerned, I kind of like
24 to think that I have coal in my blood. I have been a

1 lifelong resident of Illinois. And if you want to go back
2 into my family history, my great grandfather died in a
3 Virginia coal mine collapse. I'm in favor of jobs. I'm a
4 labor supporter. I know these are tough times, the
5 economy is bad, and jobs are ultra important. However,
6 jobs are available in clean energy also. You don't need
7 to sacrifice your principles in order to get jobs.

8 Do what's right, consider the consequences.
9 I keep hearing that IGCC is not a proven technology, and
10 it's never been proven in something that hasn't been
11 government subsidized. This project is government
12 subsidized, \$50 million in corporate welfare to pollute
13 our air. That's a significant government subsidy. If
14 they are receiving a government subsidy, why can't it be
15 IGCC? Who is paying and who is profiting?

16 Do we need this plant? We have got an
17 energy surplus. Why build something we don't need? It's
18 a bad location. We have got two of the largest coal-fired
19 power plants here in Will County already. We don't need a
20 third. And why does it have to be on Midewin Tallgrass
21 Prairie? Let's get this issue straight. It's about
22 profit at the expense of our health. I urge the IEPA to
23 deny this construction permit. Thank you.

24 HEARING OFFICER MERRIMAN: The gentleman in the

1 back. And I apologize, I'm not calling your names
2 because I don't have your cards.

3 MR. DOOLITTLE: My name is Michael Doolittle,
4 Local 1, boilermaker, former army medic. I hear all this
5 about asthma caused by all this pollution. You can't be a
6 coach potato, get up here, 80 pounds overweight, and say
7 your asthma is caused by the pollution in the air. Don't
8 be a coach potato. It's that simple. Anybody is going to
9 have an asthma attack or seem like an asthma attack if you
10 try walking that heavy overweight.

11 Another point is, yes, we produce more
12 power than we need in Illinois. So what? We only grow
13 enough corn, enough corn -- So we only grow enough corn
14 for Illinois to eat, or do we grow more corn to sell out?
15 The coal is here. We produce the power here. We leave
16 the jobs here and send the power out. Thank you very
17 much.

18 (A round of applause.)

19 HEARING OFFICER MERRIMAN: This gentleman over
20 here.

21 MR. HUCKINS: Good evening. My name is Chip
22 Huckins. And I'm an Elwood resident, concerned Elwood
23 resident. To the EPA, I have a couple questions that are
24 just a concern in my mind. In the past, when somebody

1 mentioned also about coal mines in the southern -- in the
2 central part of Illinois, that's true, they are soft coal
3 mines, very heavy in sulfur. There is a generating
4 station down there, Kincaid, which is right at the mouth
5 of it of the main mine which had to stop using that coal
6 because of the EPA's ruling because of sulfur. They had
7 to go up to Colorado, Wyoming, to get the coal in order to
8 continue burning that plant.

9 My main concern is because of the sulfur,
10 because the dioxides to get into the air and because of
11 what we are going to be breathing. But I'm more saddened
12 that when I realize that in the past year the EPA has said
13 we can't use Illinois coal, now why all of a sudden can
14 we. Thank you.

15 (A round of applause.)

16 HEARING OFFICER MERRIMAN: Thank you. We will
17 address that in the comments. And we have, you filled out
18 a card and we have your name?

19 MR. HUCKINS: Yes.

20 HEARING OFFICER MERRIMAN: Anyone else?

21 MS. OWEN: Yes.

22 (Audience discussion outside the
23 record.)

24 HEARING OFFICER MERRIMAN: All right. Before

1 you do, let's make sure that there is no one else here who
2 has not spoken yet, has an opportunity to speak.

3 MS. OWEN: I agree.

4 MR. LUGO: Hello. My name is Herman Lugo. I'm
5 an Elwood resident, I live right on Manhattan Road here.
6 Well, anyways, I'm for the plant. I believe it's going to
7 generate the local economy in one way or another, so
8 that's all I have got to say.

9 (A round of applause.)

10 HEARING OFFICER MERRIMAN: Anyone else?

11 Yes, sir.

12 MR. BALOG: My name is Dave Balog. I'm a
13 Lansing, Illinois, resident which is due northeast of
14 here, which would be the prevailing summer winds that
15 everybody is speaking of. As far as these prevailing
16 winds and all this pollution that everybody is talking
17 about, as far as the Elwood residents are concerned, I
18 don't understand if anybody realizes the elevation that a
19 stack is put at and the EPA regulations that the
20 prevailing winds take 99 percent of the particulate and
21 99 percent of the pollution away from the surrounding
22 community that the plant is in. And I just want to make
23 that comment.

24 Another comment, too, some of the lawyers

1 that have spoken for different organizations, I just was
2 wondering if they had a comment or rebuttal of this, are
3 they working pro bono, or are they compensated speakers?
4 Because I know 99 percent of the people up here are
5 speaking from their heart. Thank you.

6 (A round of applause.)

7 MS. STARK: I would like to address that comment
8 that was just made. Actually our attorney had to leave
9 because he has to work, but he is working pro bono.

10 HEARING OFFICER MERRIMAN: She was referring to
11 Attorney Keith Harley.

12 Is there anyone else that would like to
13 speak on issues relating to the construction permit
14 drafted issue?

15 MS. SAUL: I hope in the future when you have
16 these meetings that you plan it in a big enough place that
17 everybody can come in and be seated and hear everything.

18 MALE VOICE: 150 Hall. It's big.

19 (Audience discussion outside the
20 record.)

21 HEARING OFFICER MERRIMAN: I would like to wrap
22 this up at 10 o'clock. I will give you another few
23 minutes to speak. Thank you.

24 MS. OWEN: I hope --

1 I'm not going to take this personally.

2 (Audience discussion outside the
3 record.)

4 MS. OWEN: If you could call the meeting to
5 order, I would like to continue.

6 HEARING OFFICER MERRIMAN: If we can have order,
7 please, we will proceed and we will conclude this public
8 hearing. Please, if we could. Thank you. Why don't you
9 go ahead.

10 MS. OWEN: Thank you. I spoke briefly about the
11 application before. This is a PSD permit, Indeck has to
12 address if this project will increase growth. I challenge
13 IEPA to read what they said about growth in the
14 application, and then please compare it with Bourbonnais.
15 It is almost verbatim. They did no analysis, they did cut
16 and paste. I was going to read it, but I'm going to skip.

17 Secondly, I do want to give Mr. Leopold a
18 chance to say something since he drove all the way up.
19 Thank you. Do you know where the point of maximum impacts
20 are?

21 MR. LEOPOLD: That is contained in the modeling
22 analysis, yes.

23 MS. OWEN: Did you generate a map?

24 MR. LEOPOLD: No.

1 MS. OWEN: You can generate a map. Are you
2 going to generate a map? And then are you going to make
3 this public? We have seen this before. The folks in
4 Aurora, we remember that actually IEPA did bring those
5 maps to the hearing.

6 MR. LEOPOLD: I have not been involved with
7 that, and that is not a requirement of the permittee.

8 MS. OWEN: It's not a requirement, but it's
9 certainly helpful for the people to make comments on this
10 to see where the impact is.

11 And one other quick question, Mr. Leopold.
12 Was ammonia slip considered in the air modeling for PM?

13 MR. LEOPOLD: That I don't know. I think Chris
14 would be best to address that.

15 MR. ROMAINE: Yes. Ammonia slip was considered.
16 Given this is a coal-fired power plant, any excess ammonia
17 would react with the sulfur dioxide and nitrogen oxide --
18 or sulfur dioxide present so it would form condensate
19 particulate matter.

20 MS. OWEN: The ammonia slip is 278 tons per
21 year. And how much percentage do you think is ammonia
22 that will actually react to make condensate matter?

23 MR. ROMAINE: Most of it.

24 MS. OWEN: I couldn't find the information in

1 the air model, and I don't know why. Could you explain
2 where that is? Were these tons added to the PM? Were
3 these tons added to the PM or not?

4 MR. ROMAIN: They are included in the PM.

5 MS. OWEN: Okay. I have to go back and read
6 that.

7 I have a question that is really troubling
8 to me. In your project summary, it says, "However, these
9 modeled exceedances are attributed to inaccuracies in the
10 emission inventory for existing emission units." Now,
11 inaccuracies mean in this case, apparently -- Well, where
12 is this defined? What is an inaccuracy? How high is it?
13 Is this just something for this particular site? Should I
14 worry about this in the State of Illinois? Are they
15 overestimated, underestimated? What is -- Why isn't
16 there explanation in here?

17 MR. LEOPOLD: Inaccuracies are associated with
18 such things as UTMs for certain sources being associated
19 with a CenterPoint in the facility. Because the person
20 coding the information into the inventory did not specify
21 where these points were, they just took a central point in
22 the facility and assigned all the emissions to that point.

23 MS. OWEN: Can you give an estimate, what
24 numbers you are looking at, how much the inaccuracies are

1 in percent, in tons, in whatever you want it to be?

2 MR. LEOPOLD: Well, the things we are talking
3 about are not in tonnages, they are in things such as
4 poorly placed stacks, bad UTMs, in other words.

5 MS. OWEN: Yes, but they are reflected somehow
6 in the air modeling?

7 MR. LEOPOLD: Correct. Yes. Well, if you put a
8 stack in the wrong place, you are going to get an impact
9 in the wrong place. Other inaccuracies exist where
10 default stack parameters have been put in because the
11 actual stack parameters from the permit were not input
12 into the inventory. And we have an inventory development
13 group that is looking at this particular inventory right
14 now and going through aerial photographs and such and
15 trying to --

16 MS. OWEN: But wouldn't exceedances like that
17 have turned up in other air models? And, God knows, I
18 have seen a few and this was never mentioned before.

19 MR. LEOPOLD: Not in this area.

20 MS. OWEN: Really? That's an interesting
21 answer.

22 MR. ROMAINE: I guess the other thing I want to
23 point out, these are deficiencies in the inventories for
24 existing sources. So it's where there has not been exact

1 information, for example, stack, other industrial
2 facilities in the area.

3 MS. OWEN: Yes.

4 MR. ROMAIN: Because of that, and in addition
5 because of the way the modeling is done, these do not
6 represent actual violations. And in fact, they may not
7 constitute ambient air quality as they are occurring on
8 other industrial property.

9 MS. OWEN: So am I to interpret this that you
10 really don't know if this has an impact on the national
11 air quality standard?

12 MR. ROMAIN: What we are picking up as part of
13 this modeling exercise is deficiencies in the inventories
14 for existing sources that, in fact, may be some distance
15 away from the proposed facility.

16 MS. OWEN: Which brings me to another point. I
17 went to the list of existing sources, and I'm going to
18 forward it to the local people. I don't know if this list
19 is complete. However, I noticed that they have quite a
20 few minor sources on it that have not yet received a
21 Title V permit, so there is the vast possibility that they
22 actually have underreported emissions and should be major
23 sources. Do you have an idea of how much of these sources
24 do not have a Title V permit yet?

1 MR. ROMAIN: We are not dealing with issues
2 with regard to whether they have a permit or not.

3 MS. OWEN: No.

4 MR. ROMAIN: What we are dealing with is
5 deficiencies with regard to the stack parameters for the
6 sources.

7 MS. OWEN: I think you purposely misunderstood
8 my question, but I will submit it in writing. Thank you.

9 (A round of applause.)

10 HEARING OFFICER MERRIMAN: Yes.

11 MS. KAWATERS: Just one. How tall are these
12 stacks going to be? I was outside for part of the time.

13 MR. SHAH: I think it's about 300 feet.

14 MS. OWEN: 495.

15 MR. JIM THOMPSON: 495.

16 MS. KAWATERS: 495 feet. How far away can you
17 see those? Is it 5, 10, 15, 20 miles?

18 MR. ROMAIN: I don't think we have that exact
19 information available. If there is no obstruction, you
20 can see stacks that tall for a considerable distance. I
21 don't know whether it's ten miles or beyond ten miles.

22 MS. KAWATERS: Thank you.

23 MR. FANNING: Could I have just one minute, one
24 second?

1 HEARING OFFICER MERRIMAN: You certainly may,
2 sir.

3 MR. FANNING: Seeing how I have to clean this
4 mess up afterwards. All of these people worry about this
5 air, I bet you tomorrow morning when I go outside I'm
6 going to count millions of cigarette butts. And I bet
7 half of these people here smoke.

8 But anyway, I was born less than a half a
9 mile from these two burners right down here on Patterson
10 Road and Route 6. I was just about a half a block from
11 Lincoln Stone Quarry. My folks just passed away '89
12 and -- '88 and '89. My brother is still alive, 75. I'm
13 70 years old. My sister is 65. We are still going. So
14 all I can say is I believe CenterPoint. I would like to
15 see something else better out there. But if CenterPoint
16 has got their nose in it, I believe they will keep you
17 guys up to snuff. And I hope or whoever is involved in
18 that hope that they keep them up to snuff. So that's all
19 I have got to say.

20 HEARING OFFICER MERRIMAN: Would you please --

21 MR. FANNING: Norm Fanning.

22 HEARING OFFICER MERRIMAN: Thank you, sir.

23 MR. NILLES: Well, can I just ask a couple quick
24 questions. The BACT analysis that was done, several folks

1 before me -- Bruce Nilles again -- have explained why we
2 think it's completely inadequate. But nowhere in that
3 analysis do they, Indeck, confess the fact that they are
4 looking for a \$50 million handout to build this plant.
5 How does that factor into BACT analysis in terms of the
6 cost of different technologies?

7 MR. ROMAIN: To be honest, we have not
8 considered that fact. That's an interesting link between
9 subsidies and the BACT analysis.

10 MR. NILLES: Because they do in their
11 application say that they can build this plant without
12 subsidies. It's the only technologically feasible plant
13 that can be self-sustaining with investors and they don't
14 need handouts. But then they turn around and say we need
15 handouts, we can't build a more expensive plant, a cleaner
16 plant, because it's too expensive so --

17 Help me, I read through the draft permit,
18 the project summary, and the public notice, and I couldn't
19 find a section that talked about where this project was
20 located and what was on that site. Where does it talk
21 about the wetlands? Where does it talk about the Midewin
22 Tallgrass Prairie, and where does it talk about where the
23 pipe is going to go? Where is that piece of analysis in
24 the draft permit and all the other documents that were out

1 for public -- the draft permit, the project summary, and
2 project notice, where does it talk about the site?

3 MR. ROMAIN: The draft permit describes the
4 location of the site, but it does not provide descriptive
5 information about other surrounding land uses. That is
6 not the type of information that is included in
7 permitting.

8 MR. NILLES: Haven't we talked about the
9 alternative analysis that the IEPA has to do which
10 includes alternative sites? So isn't the first question
11 about what's on the site we are proposing to put this
12 plant?

13 And let me back up. I asked the Army Corps
14 of Engineers, who are in charge of regulating wetlands, I
15 understand there is wetlands on the site, and they turn
16 around and say, "We haven't received a permit yet." And
17 so we have concern that there is wetlands, but nowhere is
18 IEPA doing the analysis of is there, in fact, a better
19 site. I couldn't find the word "Midewin" anywhere in the
20 public documents that were put out for release.

21 And so I guess this all goes to the point
22 of this application and this draft permit is so
23 inadequate, it so defies the basic public notice due
24 process for the public to be able to understand and

1 respond intelligently about what trade-offs are being made
2 here. Unless you are an expert, you wouldn't know that
3 this site impacted the Midewin. It doesn't say it
4 anywhere. It doesn't tell you anything about wetlands.

5 So the basic information we need as
6 citizens to respond intelligently is missing. So that
7 goes back to I guess our final request, which is that this
8 permit be either denied and/or withdrawn and reissued in a
9 draft format that actually includes all the basic
10 information in a way that the public can access it and
11 understand really what the choices are being made.
12 Because as it's written right now, it's incomprehensible,
13 it's completely inaccessible, missing some very important
14 pieces of information.

15 So I guess in closing, I would say that's
16 our final request because we can't respond intelligently
17 because the information is not made for public review.
18 Thank you.

19 (A round of applause.)

20 HEARING OFFICER MERRIMAN: Okay. Well, I guess
21 now is the time for me to make my eloquent remarks to
22 conclude this hearing. Of course, everybody who is now
23 gone is going to miss that, but actually --

24 MS. OWEN: Their loss.

1 HEARING OFFICER MERRIMAN: I do want to thank
2 you all who have attended and who are still here, for your
3 interest, your attention, your courtesy, and your
4 patience. I want to thank you on behalf of not only the
5 Illinois EPA but Director Cipriano, and I would also like
6 to express our thanks to the Elwood Community Church Hall
7 that proved to be, although maybe not quite large enough,
8 a nice and adequate place for this proceeding. And I want
9 to thank our court reporter.

10 And those of you who have spoken, those of
11 you who did not choose to speak, please remember that you
12 may submit written comments to me. I will not close the
13 hearing record until midnight June 21, 2003. My name and
14 address are in the notice. There should still be copies
15 available.

16 And with that, I guess, thank you all for
17 your participation. This hearing is closed but the record
18 remains open.

19 * * *

20 (Which were all the proceedings
21 had in the above-entitled
22 cause.)

23

24

I, JANICE H. HEINEMANN, CSR, RDR, CRR, do hereby certify that I am a court reporter doing business in the State of Illinois, that I reported in shorthand the testimony given at the hearing of said cause, and that the foregoing is a true and correct transcript of my shorthand notes so taken as aforesaid.

Janice H. Heinemann CSR, RDR, CRR
License No 084-001391

